

DEPARTMENT OF SOCIAL SERVICES  
744 P Street, Sacramento, CA 95814



April 2, 2001

ALL-COUNTY LETTER 01-24

TO: ALL COUNTY WELFARE DIRECTORS  
ALL FOOD STAMP COORDINATORS

REASON FOR THIS TRANSMITTAL

- |                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/>            | State Law Change                                |
| <input checked="" type="checkbox"/> | Federal Law or Regulation Change                |
| <input type="checkbox"/>            | Court Order or Settlement Agreement             |
| <input type="checkbox"/>            | Clarification Requested by One or More Counties |
| <input type="checkbox"/>            | Initiated by CDSS                               |

SUBJECT: IMPLEMENTATION OF THE FINAL RULE ON NONCITIZEN ELIGIBILITY AND CERTIFICATION PROVISIONS OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996—EFFECTIVE JUNE 1, 2001

REFERENCE: ADMINISTRATIVE NOTICE 01-13

The purpose of this letter is to provide implementation instructions for changes to food stamp regulations that are a result of final federal rules on Noncitizen Eligibility and Certification Provisions (NECP) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). These changes are being implemented through emergency regulations and are effective June 1, 2001, for all new applicants. The new changes must be made for current food stamp households no later than the next recertification following the implementation date. Counties will be held harmless from Quality Control (QC) errors for a period of 120 days from the effective date of these regulations.

Any changes to regulations also affecting eligibility determination for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, as well as any changes to CalWORKs forms, will be addressed in a separate All-County Letter.

## BACKGROUND

On November 21, 2000, the United States Department of Agriculture (USDA) issued final rules amending Food Stamp Program regulations to implement several provisions of PRWORA, and subsequent amendments to those provisions made by Public Laws 104-208, 105-33, and 105-185. The major changes are to regulations for vehicles and sponsored noncitizens. However, technical changes have also been made to various

other food stamp provisions. Attachment A contains a copy of the draft emergency regulations. These draft regulations, subject to minor change, will be filed with the Secretary of State by June 1, 2001.

## **SUMMARY OF CHANGES**

A detailed summary of regulation changes is provided in Attachment B; however, the following paragraphs provide a brief description of the major changes:

- **Vehicles**: Any licensed or unlicensed vehicle is an inaccessible resource if its equity value is \$1500 or less. Valuation of an inaccessible vehicle is required at application and when a new vehicle is reported. Once a vehicle has been evaluated, it does not need to be re-evaluated until the next recertification. In addition, there are exclusions from the equity value test for one licensed vehicle per adult household member, regardless of the use of the vehicle, and for any other licensed vehicle used by a household member under the age of 18 to drive to work, school, job training, or to look for work.
- **Sponsored Noncitizens**: Sponsorship support requirements are extended from three years to lifetime. A sponsor's responsibility ends if one of the following occurs: the noncitizen has 40 qualifying quarters, has become a naturalized citizen, is no longer lawfully admitted for permanent residence and leaves the United States, or the noncitizen or sponsor dies. Indigent noncitizens and battered noncitizens are exempt from sponsorship provisions as specified. The income and resources of a sponsor's spouse shall be deemed available only if the spouse has executed an affidavit of support.
- **Self-employment Expenses**: Households with self-employment earnings are now entitled to a choice between claiming actual costs of producing self-employment income, or a standard deduction of 40 percent of gross earned income. Recipients shall be allowed to change the method of deduction only at recertification or every six months, whichever occurs first. The 40 percent deduction provision is consistent with the same option provided for in the CalWORKs program.
- **Interview Waivers**: For households containing all elderly or disabled members with no earned income, the face-to-face interview shall be waived.

- **Shortening Certification Periods:** CWDs are not allowed to *shorten* a certification period. However, if a household becomes ineligible, the CWD must *end* the certification period by issuing an adverse Notice of Action. A Notice of Expired Certification (NEC) cannot be used as a means of discontinuing a household from benefits.
- **Proration in the First Month of Recertification:** If in the last month of the certification period, the recertification is not completed, and the delay is due to CWD error or to the time allowed for providing verification, benefits are not prorated. However, if the delay is client caused, benefits are prorated.

## **FORMS AND NOTICES OF ACTION (NOAS)**

The appropriate forms and NOAs have been revised to reflect the changes in regulations. A list of these forms, as well as sample copies, are provided with Attachment C. Counties should begin using these forms effective June 1, 2001. Revisions of the DFA 285-A1 and DFA 285-A2 will be incorporated into the project underway to simplify the food stamp application.

### **Camera Ready Copies and Translations:**

For camera-ready copies of English and Spanish forms, please call the Forms Management Unit (FMU) at (916) 657-1907 or CALNET at 437-1907. If your office has Internet access, you may obtain these forms from the California Department of Social Services' (CDSS) web page at: <http://www.dss.cahwnet.gov>. To accommodate agencies without Internet access, copies will be available by contacting the FMU.

Your Forms Coordinator now receives all translations as soon as they become available, if your county is on the Language Translation Services (LTS) mailing list. All translated messages in Russian and Chinese versions of the forms will follow shortly. Please call LTS at (916) 675-3429 if your county does not receive the Russian and Chinese translations.

## **CONTACTS**

If you have any questions or need further information regarding this letter or its attachments, please contact the following designated staff:

<b>SUBJECT</b>	<b>CONTACT</b>	<b>PHONE NUMBER</b>
All-County Letter	Doris Bowers	(916) 654-0710
Draft Regulations	LeAnne Torres	(916) 654-2135
Summary of Regulations	Rebecca Fuller	(916) 654-5709
Forms and NOAs	Sandra Pierce	(916) 653-5208

Sincerely,

### **Original document signed by**

BRUCE WAGSTAFF  
Deputy Director  
Welfare to Work Division

Attachments (3)

Amend Section 63-102 to read:

63-102 DEFINITIONS

63-102

~~(a-)~~ (Continued)

~~(b-)~~ (Continued)

~~(c-)~~ (3) “California Work Opportunity and Responsibility to Kids (CalWORKs)” means the public assistance program for children and families in California, formerly known as the Aid to Families with Dependent Children (AFDC) program.

~~(34)~~ (Continued)

~~(45)~~ (Continued)

~~(56)~~ (Continued)

~~(67)~~ (Continued)

~~(78)~~ (Continued)

~~(89)~~ (Continued)

~~(910)~~ (Continued)

~~(101)~~ (Continued)

~~(112)~~ (Continued)

~~(123)~~ (Continued)

~~(d-)~~ (Continued)

~~(e-)~~ (3) “Energy Assistance” means any payments or allowances made for the purpose of providing energy assistance under a federal law other than Part A of Title IV of the Social Security Act of 1935, as amended, or a one-time payment made under a federal or state law for costs of weatherization, emergency repair or replacement of heating or cooling devices if unsafe or inoperative.

~~(34)~~ (Continued)

~~(45)~~ (Continued)

~~(f-)~~ (Continued)

~~(g-)~~ (Continued)

~~(h-)~~ (3) “Household” means a group of individuals who must be in the same food stamp household and who purchase and prepare meals together.

~~(34)~~ (Continued)

~~(45)~~ (Continued)

~~(i-)~~ (4) “Inaccessible Resource” means the resource or vehicle would be exempt from consideration if its equity value is \$1,500 or less.

(5) “Indigent Noncitizen” means a sponsored noncitizen who, in the absence of the assistance provided by the agency, would go hungry and homeless, taking into account the noncitizen’s own income plus any cash, food, housing, or other assistance provided by other individuals, including the sponsors.

~~(46)~~ (Continued)

~~(57)~~ (Continued)

~~(68)~~ (Continued)

~~(79)~~ (Continued)

~~(810)~~ (Continued)

~~(j-)~~ (Continued)

~~(k-)~~ (Continued)

~~(l-)~~ (Continued)

~~(m-)~~ (6) “Means-Tested Public Benefits” refers to public assistance programs that use an income test to determine eligibility for a public assistance program. TANF, CalWORKs, Food Stamps, General Assistance, SSI and Medi-Cal are examples of means-tested public benefits.

~~(67)~~ (Continued)

~~(78)~~ (Continued)

(89) (Continued)

(910) (Continued)

(n-) (Continued)

(o-) (Continued)

(p-) (12) “Public Assistance (PA)” means ~~federally a program funded Aid to Families with Dependent Children (AFDC), including AFDC for children of unemployed parents, as authorized by~~ under Title IV-A of the Social Security Act of 1935, as amended, or matching state funds for public assistance programs. Programs must be means-tested, and all household members must be receiving or authorized to receive benefits from a Temporary Assistance to Needy Families (TANF), or state-funded program.

HANDBOOK BEGINS HERE

(a) Examples of PA households are:

1. all members receive benefits from the CalWORKs program which is primarily TANF-funded; or
2. all members receive benefits from the CalWORKs Two-Parent program, which is primarily state-funded.

HANDBOOK ENDS HERE

~~A PA household is a household in which all members receive federally funded AFDC payments.~~

(ab) (Continued)

(b) ~~For purposes of determining categorical eligibility, as specified in Section 63-301.7, PA means AFDC benefits under Title IV A of the Social Security Act. Any PA households receiving AFDC from a state only program shall not be considered categorically eligible to food stamp benefits. (See Section 63-402.225 for exclusion of SSI/SSP recipients.)~~

(q-) (Continued)

(r-) (Continued)

ATTACHMENT A

- (s-2) (7) "Sponsor" means a person who executed an affidavit(s) of support or similar agreement with INS, on behalf of ~~a~~ ~~an~~ alien noncitizen as a condition of the ~~alien's~~ noncitizen's entry or admission into the United States ~~as a permanent resident~~.



ATTACHMENT A

- (8) ~~"Sponsored alien n~~Noncitizen" means ~~an alien lawfully admitted for permanent residence into the United States as an immigrant as defined in Sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act~~ noncitizen for whom a sponsor has executed an Affidavit of Support (INS Form I-864 or I-864-A) on behalf of the noncitizen, pursuant to Section 213A of the Immigration and Nationality Act. (Continued)
- (t-) (1) "Temporary Assistance to Needy Families (TANF)" means a federal program for children and families funded under Title IV-A of the Social Security Act of 1935, as amended.
- (12) (Continued)
- (23) (Continued)
- (34) (Continued)
- (45) (Continued)
- (56) (Continued)
- (u-) (Continued)
- (v-) (Continued)
- (w-) (Continued)
- (x-) (Continued)
- (y-) (Continued)
- (z-) (Continued)

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: Sections 10554, 10830, 11486.5 and 18930 through 18934, Welfare and Institutions Code; 8 U.S.C.A. Section 1522(e); 42 U.S.C.A. 601, et seq.; and 42 U.S.C.A. 5122; 7 CFR 272.4(f); 7 CFR 273.1(c)(5); 7 CFR 271.2; 7 CFR 273.2, .2(j), and (j)(4); 7 CFR 273.5(a); 7 CFR 273.9(c)(1)(ii)(D); 7 CFR 273.11(a)(2)(iii); 7 CFR 273.12(e); 7 CFR 273.16(c); 7 CFR 273.21(b); 7 CFR 274.3(a)(2); 7 CFR 2710.2; 45 CFR 401; 45 CFR 400.62; Public Law (P.L.) 100-77, Section 802; P.L. 104-193 as amended by P.L. 104-208, P.L. 105-33 and P.L. 105-185; (Court Order re Final Partial Settlement Agreement in Jones v.

## ATTACHMENT A

Yeutter (C.D. Cal. Feb. 1, 1990) [Dock. No. CV-89-0768]); Section 66011, Education Code; P.L. 102-237, Section 902; 7 U.S.C. 2014(c)(2)(B) and (k)(2)(F); U.S.D.A. Food and Nutrition Service Administrative Notices 94-39, 97-44, and 98-56; Hamilton v. Madigan (9th Cir. 1992) 961 F.2d 838; Food Stamp Act Section 6(k)(1); P.L. 104-193, Sections 805, 821, and 827 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); and Federal Register Vol. 59, No. 224, dated November 22, 1994.

Amend Section 63-300 to read:

63-300 APPLICATION PROCESS (Continued)

63-300

.3 Filing, Notice of Right to File and Withdrawal

Households must file food stamp applications by submitting the forms to the food stamp office either in person, or through an authorized representative or by mail, fax, through an electronic transmission, or through an on-line electronic application. The length of time to deliver benefits is calculated from the date ~~of the application is filed in the food stamp office designated by~~ with the CWD to accept the household's application. Applications signed through the use of electronic signature techniques or applications containing a handwritten signature and then transmitted by fax or other electronic transmission are acceptable.

.31 Each household shall be advised of their right to file an application, either paper or electronic, on the same day they contact the Food Stamp office during office hours.  
(Continued)

.4 Interviews (Continued)

.42 Waiving the Interview (No Option)

The office interview shall be waived if requested by any household which is unable to appoint an authorized representative ~~and which has no household members able to come to the food stamp office because they are 65 years of age or older, or and whose members~~ are mentally or physically disabled. The office interview shall also be waived if requested by any household which is unable to appoint an authorized representative and lives in a location which is not served by a certification office.

.421 For households containing all elderly or disabled members with no earned income, the face-to-face interview shall be waived.

.43 Waiving the Interview (Case-by-case)

The CWD shall waive the ~~office~~ face-to-face interview and instead allow a telephone interview on a case-by-case basis for any household which is unable to appoint an authorized representative and which has no household members able to come to the food stamp office because of transportation difficulties or similar hardships which the CWD determines warrant a waiver of the office interview. These hardship conditions include, but are not limited to: illness, care of a household member, prolonged severe weather, or work hours which preclude an in-office interview, lack of transportation, or living in a rural or remote area. The CWD shall determine if the transportation difficulty or hardship reported

by a household warrants a waiver of the office interview and shall document in the case file why a request for a waiver was granted or denied. (Continued)

.45 Scheduling Initial Application Interviews

The CWD shall schedule all interviews as promptly as possible to ensure eligible households receive an opportunity to participate within 30 days after the application is filed. If a household fails to appear for the first misses its scheduled interview, the CWD shall attempt to schedule another interview. ~~The interview shall be rescheduled by the CWD without requiring the household to provide good cause for failing to appear. However, if the household does not appear for the rescheduled interview, the CWD need not initiate action to schedule any further interviews unless the household requests that another interview be scheduled~~ send the household a notice of denial for a missed interview. The CWD shall reschedule if the household requests another interview within 30 days of the first application filed.

.451 Scheduling Recertification Interviews

- (a) As part of the recertification process, the CWD must conduct an in-office face-to-face interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The requirement for a face-to-face interview once every 12 months may be waived in accordance with Sections 63-300.42 and .43.
- (b) If a household receives PA/GA and will be recertified for food stamps more than once in a 12-month period, the CWD may choose to conduct an in-office face-to-face interview with that household only once during that period. At any other recertification during that year period, the CWD may interview the household by telephone, conduct a home visit, or recertify the household by mail.
- (c) CWDs shall schedule interviews so that the household has at least 10 days after the interview in which to provide verification before the certification period expires.
- (d) If the household misses its scheduled interview and has not rescheduled before the end of the certification period, the CWD need not take further action.

## .5 Verification

.51 Verification is the use of third-party information or documentation to establish the accuracy of statements on the application. Prior to determining eligibility for applicant households, sufficient information concerning the applicant's situation must be obtained in order for the EW to make an informed judgment as to the household's eligibility. Verification and documentation are tools for making this judgement and recording the decision-making process in the case file. The household shall be given at least 10 days to provide required verification.

.52 If the household's certification cannot be completed by the end of its current certification period due to the 10-day time period allowed for submitting verification, the CWD shall provide benefits within five working days after the verification is received to issue benefits to the household. Benefits shall not be prorated from the date verification is received; the household shall receive a full month of benefits.

.53 If obtaining verification of a deductible expense may delay the household's certification beyond the normal processing time frame, the CWD shall advise the household that its eligibility and benefit level may be determined without providing a deduction for the claimed, but unverified expense.

.54 If the expense cannot be verified within 30 days of the date of application, the CWD shall determine the household's eligibility and benefit level without providing a deduction for the unverified expense. If the household subsequently provides the missing verification, the CWD shall redetermine the household's benefits, and provide increased benefits, if any, in accordance with the timeliness standards in Section 63-504.35 for monthly reporting households and Section 63-504.42 for nonmonthly reporting households.

.545 Mandatory Verification

The CWD shall verify the following information prior to certification for households initially applying:

(a) (Continued)

(b) Noncitizen Status

Based on the application, the CWD shall determine if members identified as noncitizens are eligible noncitizens, as specified in Sections 63-405.11 through .17, by requiring that the household present verification for each noncitizen member. Additional verification as specified in Sections 63-405.11 through .559 may be relevant in determining eligibility.

HANDBOOK BEGINS HERE

Guide for Verifying Documentation

The Department of Justice Interim Guidance On Verification of Citizenship, Qualified Alien Status and Eligibility Under title 4 of PRWORA (Interim Guidance) (62FR 61344, November 19, 1997) contains acceptable documents and INS codes.

HANDBOOK ENDS HERE

- (1) ~~If the proper INS documentation is not available, the noncitizen may state the reason and submit other conclusive verification. The CWD shall accept other forms of documentation or corroboration from INS.~~
- (2) ~~If the noncitizen has no documentation at all of eligible noncitizen status, (not even an INS form I-94) the CWD shall inform the noncitizen that:~~
  - (A) ~~he/she is ineligible to participate in the Food Stamp Program without INS verification of noncitizen status;~~
  - (B) ~~he/she may contact INS or otherwise obtain the necessary documentation and~~
  - (C) ~~if he/she wishes, he/she may sign a form authorizing the CWD to request verification of the noncitizen's status.~~
- (3) ~~If an alien gives written consent for the CWD to contact INS to obtain verification of the alien's status, the CWD shall contact INS. However, the CWD shall not contact INS to obtain information about the alien's correct status without the alien's written consent.~~
- (1) A noncitizen is ineligible until acceptable documentation is provided unless:
  - (A) The CWD has submitted a copy of a document provided by the household to INS for verification. Pending such verification, the CWD cannot delay, deny, reduce or terminate the individual's benefits on the basis of the individual's immigration status; or

- (B) The applicant or CWD has submitted a request to a federal agency for verification of information that bears on the individual's eligible noncitizens status. The CWD shall certify the individual pending the results of the investigation for up to six months from the date of the original request for verification.
- (2) The CWD shall provide noncitizen applicants with a reasonable opportunity to submit acceptable documentation of their noncitizen status by the 30th day following the date of application. A reasonable opportunity must be at least 10 days from the date of the CWD's request for an acceptable document. When the CWD fails to provide a noncitizen applicant with a reasonable opportunity by the 30th day following the date of application, the CWD must provide the household with benefits no later than 30 days following the date of application, provided the household is otherwise eligible.
- (43) If the ~~alien noncitizen~~ does not wish the CWD to contact INS ~~or give permission for the CWD to contact INS~~ to verify his or her immigration status, the household ~~shall~~ must be given the option of withdrawing its application or participating without that member. The income and resources of an ~~alien noncitizen~~ who would be considered a household member if he/she were determined to be an eligible ~~alien noncitizen~~, shall be treated as available to the household in accordance with Section 63-503.442.
- (54) For households whose ~~alien noncitizen~~ members have not provided verification the CWD shall determine that the ~~alien noncitizen~~ is ineligible and an excluded member. The CWD shall determine the eligibility of the remaining household members in accordance with Section 63-503. The income and resources of the excluded member(s) shall be treated as available to the household in accordance with Section 63-503.442.  
(Continued)
- (65) If an all-~~alien noncitizen~~ household is denied benefits because necessary ~~alien noncitizen~~ verification is missing, and the CWD subsequently receives the required verification, the CWD shall within 30 days following receipt of verification notify the household that verification of ~~alien noncitizen~~ status has been received and that the household may now be eligible to participate in the Food Stamp Program and that the household may now reapply.  
(Continued)

(h) Sponsored Alien Noncitizen Information

~~For sponsored aliens, the CWD shall verify the factors of eligibility specified in Section 63-503.49. The sponsored noncitizen shall provide information in accordance with Section 63-405.7 except as specified in Sections 63-301.71 and .822. The deeming rules apply only to sponsored noncitizens whose sponsors have signed an I-864 Affidavit of Support.~~

The CWD shall obtain from the alien noncitizen the following information at the time of the household's initial application and at the time the household applies for recertification:

- (1) Affidavit of Support (Form I-864 and/or I-864A)
- ~~(2)~~ The income and resources of the alien's noncitizen's sponsor and the sponsor's spouse (if living with the sponsor).
- ~~(23)~~ The names or other identifying factors (such as an alien noncitizen registration number) of other aliens noncitizens for whom the sponsor has signed an affidavit of support or similar agreement with INS.
- ~~(3)~~ ~~The provisions of the Immigration and Nationality Act under which the alien was admitted.~~
- ~~(4)~~ ~~The date of the sponsored alien's entry or admission as a lawful permanent resident as established by INS.~~
- ~~(5)~~ ~~The alien's date of birth, place of birth, and alien registration number.~~
- ~~(64)~~ (Continued)
- ~~(75)~~ The name, address and phone number of the alien's noncitizen's sponsor.
- ~~(8)~~ ~~Verification is required for the information specified in Sections 63-403.341 and .342, except as specified in Section 63-301.71. The CWD shall verify all other information which they have determined to be questionable and which affects household eligibility and/or benefit level in accordance with Section 63-300.53. The CWD shall assist aliens in obtaining verification in accordance with Section 63-300.55.~~

## (i) (Continued)



Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554, 11023.5, 11348.5, 18904, and 18932, Welfare and Institutions Code; 7 CFR 273.2(b)(ii), (c)(5), (f)(1)(iii), proposed (f)(1)(xii) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (f)(3), (f)(3)(ii), (f)(8), and (j)(1); 7 CFR 273.4(a)(10); 7 CFR 273.2(c)(3) and 7 CFR 273.11(c) as published in the Federal Register, Vol. 65, No. 225, November 21, 2000; 7 CFR 273.12(c); 7 CFR 273.14(b)(3)(i) as published in the Federal Register, Vol. 65, No. 225, November 21, 2000; 7 CFR 273.14(b)(4); 7 CFR 273.21(h)(2)(iv), (i), and (j)(3)(iii)(B); 8 CFR 213a and 299; and USDA Food and Nutrition Service Office, Western Region, Administrative Notice 84-56, Indexed Policy Memo 84-23; 7 U.S.C.A. 2020(e)(2); Americans with Disabilities Act (ADA), Public Law (P.L.) 101-336, 1990; P.L. 104-193 as amended by P.L. 104-208, P.L. 105-33 and P.L. 105-185; U.S.D.A., Food and Consumer Services, Administrative Notice No. 94-22, dated January 7, 1994; Chapter 306, Statutes of 1988, and AB 1371, Chapter 306, Statutes of 1995; and Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. CIV-S-93-859 WBS, JFM, dated January 3, 1995.

Amend Section 63-301 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued)

63-301

.7 Categorically Eligible PA Households

Any household, except those specified in Section 63-301.73, in which all food stamp eligible members receive or are authorized to receive PA benefits, shall be considered eligible for food stamps because of their status as PA recipients. The following shall also be considered categorically eligible:

.71 Households subject to retrospective budgeting that have been suspended for PA purposes or that receive zero benefits;

.742 (Continued)

.723 (Continued)

.7231 (Continued)

.7232 The household shall meet the definition of a household as specified in Sections 63-102(h) and 63-402. (Continued)

.7233 (Continued)

.7234 (Continued)

.734 (Continued)

.7341 (Continued)

.7342 (Continued)

~~.733 The entire household is disqualified because the principal work registrant failed to comply with work requirements as specified in Section 63-407.4 or voluntary quit requirements as specified in Sections 63-408.1 and .2; or~~

~~.734 The entire household is disqualified because one or more of its members failed to comply with the requirements of the optional Food Stamp Workfare Program specified in Section 63-407.91. (Continued)~~

.745 (Continued)

.7451 (Continued)

.7452 (Continued)

.7453 (Continued)

.7454 (Continued)

.7455 (Continued)

.7456 (Continued)

.7457 (Continued)

.756 (Continued)

.8 GA Households (Continued)

.82 Categorically Eligible GA Households (Continued)

.822 The eligibility factors which shall be accepted for food stamp eligibility without verification are the resource (except resource transfers); gross and net income limits, sponsored ~~alien~~ noncitizen information; and residency.

HANDBOOK BEGINS HERE

- (a) Sponsored ~~aliens~~ noncitizens shall continue to cooperate in providing sponsor information, as specified in Section ~~63-403.33~~ 63-405.7, for use in determining benefit level.

HANDBOOK ENDS HERE

.823 (Continued)

## ATTACHMENT A

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554, 18901, and 18904, Welfare and Institutions Code; Section 11349.1, Government Code; 7 CFR 271.2; 7 CFR 272.3(c)(1)(ii); 7 CFR 273.2(d)(1), (h)(1)(C), (h)(2)(i)(A), (i)(4)(iii)(B), (j), (j)(1), (j)(1)(iv), (j)(2)(iii), (j)(3), (j)(4), and (j)(4)(vi); 7 CFR 273.4 as published in the Federal Register, Vol. 65, No. 225, November 21, 2000; 7 CFR 273.8(e)(17); 7 CFR 273.9(d)(7) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.10(c)(1) and (g)(1)(ii); 7 CFR 274.2; (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) [Dock. No. CV-89-0768].); Public Law (P.L.) 102-237, Sections 902 and 905, as specified in Federal Administrative Notice 92-12, dated January 9, 1992; USDA, Food and Consumer Service, Administrative Notice 97-105, dated August 21, 1997; and P.L. 104-193, Sections 815 and 838 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); Food and Consumer Service Waiver dated May 24, 1996; and Federal Food Stamp Policy Memos 82-9 dated December 8, 1981, and 88-4 dated November 13, 1987.

Amend Section 63-402 to read:

63-402 HOUSEHOLD CONCEPT (Continued)

63-402

.6 Authorized Representative

.62 (Continued)

.621 The residents of drug or alcoholic treatment centers ~~shall~~ may apply and be certified for Food Stamp Program participation through the use of an authorized representative who shall be an employee of and designated by the institution that is administering the treatment and rehabilitation program. (Continued)

.622 Residents of group living arrangements (GLA) shall apply and be certified through use of an authorized representative employed and designated by the ~~group living arrangement~~ GLA or apply or be certified on their own behalf or through an authorized representative of their own choice. The ~~group living arrangement~~ GLA shall determine if any resident may apply for food stamps on his/her own behalf; the determination should be based on the resident's physical and mental ability to handle his/her own affairs. The ~~group living arrangement~~ GLA is encouraged to consult with any other agencies of the state and/or county providing other services to individual residents prior to a determination. All of the residents of the ~~group living arrangement~~ GLA do not have to be certified either through an authorized representative or individually in order for one or the other method to be used. ~~Applications shall be accepted for any individual applying as a one person household or for any group of residents applying as a household as defined in Section 63-402.1.~~

- (a) If the residents apply on their own behalf, the household size must be in accordance with Section 63-402.1. The CWD must certify these residents using the same provisions that apply to other households.
- (b) If the residents apply through the use of the GLA's AR, their eligibility must be determined as a one-person household.

- (~~a~~c) If a resident applies through the facility as the authorized representative, the head of the ~~group living arrangement~~ GLA may either receive and spend the coupon allotment for food prepared by and/or served to the eligible resident or allow the eligible resident to use all or any portion of the allotment on his/her own behalf.
- (~~b~~d) If the residents are certified on their own behalf, the coupon allotment may either be returned to the facility to be used to purchase food for meals served either communally or individually to eligible residents; used by eligible residents to purchase and prepare food for their own consumption; and/or to purchase meals prepared and served by the ~~group living arrangement~~ GLA.
- (~~e~~e) In any case, the ~~group living arrangement~~ GLA is responsible for complying with the requirements set forth in Section 63-503.48. If the ~~group living arrangement~~ GLA has its status as an authorized representative suspended by FNS (as discussed in Section 63-503.478), residents applying on their own behalf shall still be able to participate if otherwise eligible.

.63 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554, 11251.3, 11486.5, and 18904, Welfare and Institutions Code; 7 CFR 273.1(a)(1) through (a)(2)(ii) through (b)(2)(iii), (c), (c)(1), (c)(6), 7 CFR 273.1(d)(1) and (2), (e)(1), and (g); 7 CFR 273.2(j)(4); 7 CFR 273.9(b)(2)(ii); 7 CFR 273.10(c)(1)(i); 7 CFR 273.11(b)(1); 7 CFR 273.11 as published in the Federal Register, Vol. 65, No. 225 of November 21, 2000; 7 CFR 274.5 and 7 CFR 274.10; Public Law (P.L.) 100-77, Section 802; P.L. 103-66; P.L. 104-193 as amended by P.L. 104-208, P.L. 105-33 and P.L. 105-185; USDA Food and Nutrition Service (FNS), Administrative Notice (AN) 89-65; AN 94-39; AN 98-43; USDA FNS Policy Memo 89-11 and 89-12; 7 U.S.C. 2015(d)(1), P.L. 104-193, Sections 115, 803, 815, and 821 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); and the Balanced Budget Act of 1977 (Sections 5516 and 5518).

Amend Section 63-405 to read:

63-405 CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS

63-405

- .1 A noncitizen who is a lawful resident of the U.S. and meets any of the following requirements is eligible for participation in the federal Food Stamp Program (FSP): (Continued)
- .12 TIME LIMITED FOOD STAMP ELIGIBILITY CRITERIA. The following noncitizens are only eligible for seven years after admitted or granted status and must be one of the qualified noncitizens as specified in Section 63-405.11.
  - .121 A refugee admitted under Section 207 of the INA.
  - .122 An asylee granted status under Section 208 of the INA. (Continued)
  - .124 A Cuban or Haitian entrant granted status under Section 501(e) of the Refugee Education Assistance Act of 1980, or;
  - .125 An Amerasian immigrant admitted under Section 584 of ~~the Foreign Operations, Export Financing and Related Program Appropriations Act, 1988~~ Public Law 202, as amended by Public Law 100-461. (Continued)
- .2 (Continued)
  - .21 (Continued)
    - .212 (Continued)

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- (a) (Continued)
- (c) A child means the legally adopted or biological child of the Hmong or Highland Laotian described in Section 64-405.211.

- (d) An unmarried dependent child of a Hmong or Highland Laotian described in Section 63-405.21, is under the age of 18, or a full-time student under the age of 22, an unmarried child under the age of 18 or if a full-time student under the age of 22 of a deceased Hmong or Highland Laotian provided the child was dependent upon him or her at the time of his/her death, or an unmarried disabled child age 18 or older if the child was disabled and dependent on the person prior to the child's 18th birthday.

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.22 An individual who is:

- .221 A member of an Indian tribe (as defined in Section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. (Continued)

.3 (Continued)

.31 For purposes of this section, "veteran" means: (Continued)

- .313 An individual who served before July 1, 1946, in the organized military forces of the Government of Commonwealth of the Phillipines. (Continued)

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.33 For purposes of this section, "Unmarried dependent child" means:

- .331 Legally adopted or biological child of a person described in Section 63-405.31.

.334~~2~~ (Continued)

.332~~3~~ (Continued)

.333~~4~~ (Continued)

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.4 (Continued)



- .42 The preferred method of verifying qualifying credits of employment is through the Social Security Administration's (SSA's) automated system. However, the automated system may not always verify that the earnings requirement is met. If the noncitizen believes that the records provided by the automated system are incorrect, the CWD shall inform the noncitizen of the option of challenging SSA's records. The person whose work history is in question can visit the nearest SSA office and request a review to determine if the qualifying quarters are met. A document from SSA indicating that a determination of work credits is under review must be provided to the CWD. If for some reason the person whose work history is in question is unable or unwilling to appear in person to request an investigation of SSA's records, they can be requested for that person through the mail. A noncitizen disputing SSA's findings, and requesting a review through SSA's manual system, shall be allowed to participate until SSA completes its investigation, or for a maximum of six months from the date of application the original determination of insufficient quarters. (Continued)

.7 Responsibilities of Sponsored Noncitizens

The sponsored noncitizen shall be responsible for the following: (Continued)

- .72 Providing the CWD at the time of application and at the time of recertification with any information and/or documentation necessary to ~~calculate~~ determine the deemed income and resources of the noncitizen's sponsor and the sponsor's spouse as specified in Section 63-503.49. ~~See Section 63-503.49 for deeming procedures.~~ (Continued)

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 CFR 273.2(j)(3) and (4); 7 CFR 273.4(a)(8); 7 CFR 273.10(b); 7 CFR 273.6; 7 CFR 273.11 as published in the Federal Register, Vol. 65, No. 225, November 21, 2000; U.S.D.A. Food and Nutrition Service Administrative Notice (AN) 92-30; Federal Register, Vol. 56, No. 233, page 63594; Federal Register, Vol. 62, No. 202, dated October 20, 1997; Public Law (P.L.) 104-193, Section 402 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); Public Law P.L. 105-185, Title V, Sections 503 through 510; AN 96-47; AN 96-48 (Part A, page 6); AN 96-55; AN 97-02; AN 97-13; AN 97-44; AN 97-82; AN 97-103; AN 97-107; AN 98-13; AN 98-21; AN 98-28; AN 98-30; AN 98-79; AN 98-93; AN 99-01; and AN 99-24.

Amend Section 63-501 to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

.3 Exclusions from Resources

In determining the resources of a household, only the following shall be excluded: (Continued)

(c) (Continued)

(1) (Continued)

(2) licensed vehicles used by ineligible ~~aliens~~ noncitizens or disqualified persons whose resources are considered available to the household, regardless of the use of the vehicle.

(d) (Continued)

(f) An inaccessible resource, including a vehicle, that has an equity value of \$1,500 or less.  
(Continued)

(~~f~~g) (Continued)

(~~g~~h) (Continued)

(~~h~~i) (Continued)

(~~i~~j) (Continued)

(~~j~~k) (Continued)

(~~k~~l) (Continued)

(~~l~~m) (Continued)

(~~m~~n) (Continued)

(~~n~~o) (Continued)

(~~o~~p) (Continued)

(~~p~~q) (Continued)

## .5 Resource Values

The value of nonexcluded resources, except licensed vehicles as specified in Sections 63-501.52 and .53, shall be their equity value. The equity value is the fair market value less encumbrances. (Continued)

## .52 Handling of Licensed Vehicles.

## .521 (Continued)

- (e) Necessary to transport a physically disabled food stamp household member, including an excluded disabled household member ~~whose resources are being considered available to the household, as specified in Section 63-503.44,~~ regardless of the purpose of such transportation. (Continued)
- (i) Considered an inaccessible resource because its equity value is \$1,500 or less.

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This provision does not apply to financial instruments such as stocks, bonds, and negotiable financial instruments.

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## .522 (Continued)

.523 Licensed vehicles shall also be evaluated for their equity value, except for:  
(Continued)

- (b) One licensed vehicle per adult household member, regardless of the use ~~of the vehicle.~~
- (c) ~~Any other licensed vehicles used to transport household members to and from employment or to and from training or education which is preparatory to employment, or to seek employment in compliance with the employment and training criteria. A vehicle customarily used to commute to and from employment shall be covered by this equity exclusion during temporary periods of unemployment. The equity value of licensed vehicles not covered by this exclusion, and of unlicensed vehicles not excluded by Section 63-501.3(c), (d) and (e), shall be attributed toward the household's resource level.~~ Any other licensed vehicle driven by a household member under 18 years of age to go to work, school, job training, or to look for work.

.524 (Continued)

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- (a) ~~For example, a second car which is not used by a household member to go to work will be evaluated for both fair market value and for equity value. Based on a vehicle exclusion limit of \$4,650, if the fair market value of a vehicle is \$5,000 and the equity value is \$1,000, the household shall be credited with only the \$1,000 equity value, and the \$350 excess fair market value will not be counted.~~

Example: The greater of the two amounts is counted as a resource.

<u>Computation of FMV</u>		<u>Computation of Equity Value</u>	
<u>\$5,000</u>	<u>FMV</u>	<u>\$5,000</u>	<u>FMV</u>
<u>-4,650</u>	<u>Exclusion Limit</u>	<u>-3,250</u>	<u>Amount Owed</u>
<u>\$ 350</u>	<u>Excess FMV</u>	<u>\$1,750</u>	<u>Equity Value</u>

The amount to be considered as a resource is \$1,750.

- ~~.525 In summary, each licensed vehicle shall be handled as follows: First, it will be evaluated to determine if it is excluded as specified in Section 63-501.521. If not excluded, it will be evaluated to determine if its fair market value exceeds the current vehicle exclusion limit. If worth more than the current vehicle exclusion limit, the portion in excess of the limit for each vehicle will be counted as a resource. The vehicle also will be evaluated to see if it is exempt from equity valuation for reasons such as the household's only vehicle or necessary for employment as specified in Section 63-501.523. If not equity exempt, the equity value will be counted as a resource. If the vehicle has a countable market value of more than the current vehicle exclusion limit and also has a countable equity value, only the greater of the two amounts shall be counted as a resource.~~

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.5265 Determining Value of Licensed Vehicles

TABLE 1

Step 1	Step 2	Step 3
Totally exclude if:	Determine Fair* Market Value (FMV)	Determine Equity Value* if Not Excluded for the Following Reasons:
1. Income-producing (over 50%)	1. Use "blue book" for wholesale basic value	1. Excluded under Step 1
2. Annually producing income consistent with FMV	2. If above cannot be used, then use:	2. One car, regardless of use
3. Necessary to employment other than daily commuting, e.g., traveling salesman	Household verification Newspaper ad Tax assessment Other reliable sources	3. Used to accept or continue employment
4. Household home		4. Used to seek or attend training or education preparatory to employment
5. Used to transport a physically disabled household member		
6. Previously used as income producing by household member self-employed in farming. Exclude for 1 year period from date of termination of self- employment in farming.		
7. Household depends on vehicle to carry fuel for heating or water for home use when such fuel or water is the primary source of fuel or water for the household.		
IF NONE OF THE ABOVE GO TO STEP 2	COUNT ONLY THE EXCESS OVER THE CURRENT VEHICLE EXCLUSION LIMIT FOR EACH VEHICLE AND IF THE TOTAL EXCESS DOES	IF THE FMV AND EQUITY ARE DETERMINED FOR ANY ONE VEHICLE, ONLY THE GREATER OF THE TWO AMOUNTS SHALL

~~NOT EXCEED THE  
HOUSEHOLD'S VEHICLE  
EXCLUSION LIMIT THEN  
THEN GO TO STEP 3~~

~~BE COUNTED TOWARD  
THE HOUSEHOLD'S  
RESOURCE LIMITS~~

\* ~~Equity value equals FMV less encumbrances.~~

### **Step One**

Determine if any licensed vehicles in the household are excludable as a resource. Vehicles in this category include those that are:

1. Income producing;
2. Annually producing income consistent with FMV;
3. Necessary to employment other than daily commuting, e.g., traveling salesman;
4. Used as a home;
5. Used to transport a physically disabled household member;
6. Previously used as income producing by household member self-employed in farming. Exclude for one year period from date of termination of self-employment in farming.
7. Household depends on vehicle to carry fuel for heating or water for home use when such fuel or water is the primary source of fuel or water for the household.

If none of the vehicles in the household are categorized as excludable from resource consideration, or there are remaining vehicles left to be evaluated after others have been determined excludable, go to Step 2.

### **Step Two**

Exclude any vehicle, licensed or unlicensed, that is an inaccessible resource (a vehicle that will not produce an estimated return of more than \$1,500). Valuation of an inaccessible vehicle is required at application and when a new vehicle is reported. Reevaluation is required only at recertification.

### **Step Three**

Of the remaining licensed vehicles, determine the number of adult household members and exempt one vehicle each from the equity valuation. The FMV must be calculated, and the excess FMV is considered as a countable resource.

Then, determine if any of the remaining licensed vehicles in the household are used by a teenager under age 18 to drive to work, school, job training, or to look for work. If there is a vehicle used by a teenager for any of these purposes, it is exempt from the equity value, but must be evaluated for FMV. The excess FMV is considered a countable resource.

### **Step Four**

## ATTACHMENT A

For any remaining licensed vehicles, compute the FMV and the equity value. Use the greater of the excess FMV or equity value as the countable resource value.

**Step Five**

For unlicensed vehicles compute the equity value of each and use the resultant amount as a countable resource value.

Add the values of the above resource values to arrive at the total vehicle resource value.

.53 Handling of Unlicensed Vehicles

Unlicensed vehicles not excluded by Sections 63-501.3(c), (d), and (e), and except those on Indian reservations as specified in Section 63-501.52 shall be evaluated for equity value only. The equity value shall be attributed toward the household's total resources. Unlicensed vehicles with an equity value of \$1,500 or less are inaccessible resources. (Continued)

Authority Cited: Sections 10553, 10554, 11209, and 18904, Welfare and Institutions Code.

Reference: Sections 10554, 18901, and 18904, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 272.8(e)(17); 7 CFR 273.2(j)(4); 7 CFR 273.8 as published in the Federal Register, Vol. 65, No. 225, November 21, 2000; and 7 CFR 273.8(e)(11), (12)(ii), and (18); 7 CFR 273.8(h); Public Law (P.L.) 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 101-201; P.L. 101-426, Section 6(h)(2), as specified in United States Department of Agriculture (U.S.D.A.), Food and Nutrition Service (FNS), Administrative Notice (AN) 91-37; P.L. 101-508, Section 11111(b); P.L. 101-624, Section 1715; P.L. 102-237, Section 905, as specified in Federal Administrative Notice 92-12, dated January 9, 1992; Section 2466d., Title 20, United States Code (U.S.C.); 7 U.S.C. 2014(d); 26 U.S.C. 32(j)(5); 42 U.S.C.A. 5122 as amended by P.L. 100-707, Section 105(i); U.S.D.A., FNS, ANs 91-30 and 94-39; Index Policy Memo 90-22, dated July 12, 1990; U.S.D.A., FNS, AN 94-58, dated July 5, 1994; ~~and~~ P.L. 104-193, Sections 810 and 827 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); and P.L. 104-193 as amended by P.L. 104-208, P.L. 105-33 and P.L. 105-185.



Amend Section 63-502 to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS

63-502

.1 Income Definition (Continued)

.13 Earned income shall include: (Continued)

.135 Earnings of individuals who are participating in on-the-job training programs under ~~the Job Training Partnership Act (JTPA) of 1982 or~~ Section 204(b)(1)(C) or Section 264(c)(1)(A) of the Workforce Investment Act except as specified in Section 63-502.2(j)(1), or Title I of the National and Community Services Act (NCSA) of 1990, except as specified in Sections 63-507(a)(4) and (a)(17)(A). The NCSA includes programs under the Serve America, American Conservation and Youth Corps, and National and Community Service subtitles. (Continued)

.2 Income Exclusions. Only the following items shall be excluded from household income:

(b) (Continued)

(2) (Continued)

(C) ~~Housing assistance payments made to a third party on behalf of a household residing in transitional housing [see Section 63-102(t)] for the homeless through a state or local housing authority; or~~ (Continued)

(F) Energy assistance as follows:

(1) Any payment or allowances made for the purpose of providing energy assistance under any federal law other than Part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.), including utility reimbursements made by the Department of Housing and Urban Development and the Rural Housing Service, or

(2) A one-time payment or allowance applied for on an as-needed basis and made under a federal or state law for the cost of weatherization or emergency repair as replacement of an unsafe or inoperative furnace or other heating or cooling device.

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A down payment followed by a final payment upon completion of the work is considered a one-time payment.

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(3) (Continued)

- (i) The earned income (as defined in Section 63-502.13) of children who are members of the household, who are elementary or secondary school students at least half time, and who ~~have not attained their 18th birthday at the beginning of the budget~~ during the certification period, shall be excluded until the month following the month in which the student turned 18. If the student becomes 18 during an application month, the income is excluded in the month of application and counted in the following month, except as specified in Section 63-507(a)(4)(A). The exclusion shall continue to apply during temporary interruptions in school attendance due to semester or vacation breaks, provided the child's enrollment will resume following the break. If the child's earnings or amount of work performed cannot be differentiated from that of other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share shall be excluded. Individuals are considered children for purposes of this provision if they are under the parental control, as defined in Section 63-102(p-)(1), of another household member.

- (1) Earnings to household members under 19 years of age who are participating in on-the-job training programs under Section 204(b)(1)(C) or 264(c)(1)(A) of the Workforce Investment Act.

(j) (Continued)

- (1) TANF payments made to divert a family from becoming dependent on welfare may be excluded as a nonrecurring lump-sum payment if the payment is not defined as assistance because of the exception for nonrecurrent short-term benefits in 45 CFR 261.31(b)(1). (Continued)

.3 Income Definitions (Continued)

.35 Homeless Shelter Deduction (Continued)

- .352 If a homeless shelter deduction is allowed, an excess shelter deduction computation is not computed per Section 63-503.311(h).

.3523 (Continued)

.3534 (Continued)

.36 Excess Shelter Deduction (Continued)

.363 Standard Utility Allowance (SUA) (Continued)

- (c) Except as provided in Section 63-502.35263(b), the household entitled to the SUA shall be advised at initial certification, ~~and~~ recertification and when a household moves that it may, instead of using the SUA, deduct its total actual utility costs if the household can verify these costs. Households certified for 24 months may also choose to switch between standard and actual costs at the time of the mandatory interim contact. (Continued)

Authority Cited: Sections 10553, 10554, 11209, 18900, 18901 and 18904, Welfare and Institutions Code.

Reference: Sections 10554, 18901, and 18904, Welfare and Institutions Code; Public Law (P.L.) 99-603, Section 201(a), Section 245A(h)(1)(A)(iii), Immigration Reform and Control Act; 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 100-77; P.L. 101-201; P.L. 101-508, Section 11111(b); P.L. 103-66, Section 5(c), (d) and (e) and Section 8(a); 7 Code of Federal Regulations (CFR) 271.2; 7 CFR 273.1(c)(6); 7 CFR 273.7(f); 7 CFR 273.9 as published in the Federal Register, Vol. 65, No. 225, November 21, 2000; 7 CFR 273.9(b)(1),(c), and proposed amended (c)(1)(ii) as published in the Federal Register, Vol. 59, No. 167, on August 30, 1994; (c)(1)(ii)(G), (d) and proposed (d)(7) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, 7 CFR 273.10(d)(1)(i); 7 CFR 273.11(b)(1); 7 CFR 273.11(c), (d) and (d)(1) and (e); 7 CFR 273.21(j)(1)(vii)(A); 7 United States Code (U.S.C.) 2014(c), (d), (e), (k)(1)(B), and (k)(2)(F); 7 U.S.C. 2015(e); 7 U.S.C. 2017(a); 20 U.S.C. 2466d.; 26 U.S.C. 32(j)(5); P.L. 104-193, Sections 807, 808, 809, 811, and 829 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal Feb. 1, 1990) [Dock. No. CV-89-0768].); United States Department of Agriculture (U.S.D.A.) Food and Consumer Services (FCS) Administrative Notice (AN) 88-40, Indexed Policy Memo 88-10, dated April 20, 1988; U.S.D.A., FNS ANs 91-24, 91-30, 94-39, 94-41, dated April 19, 1994; and the July 8, 1988 district court order in Hamilton v. Lyng.

Amend Section 63-503 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND  
BENEFIT LEVELS (Continued)

63-503

.2 Determining Resources, Income and Deductions (Continued)

.25 Determining Deductions For All Households (Continued)

.252 Averaging Expenses (Continued)

(a) (Continued)

(1) Households certified for 24 months that report a one-time medical expense during the first 12 months of the certification period have the option to:

(A) Deduct the expense for one month; or

(B) Average the expense over the remaining first 12 months of the certification period; or

(C) Average the expense over the remaining months in the certification period.

(2) Households certified for 24 months that report a one-time medical expense after the 12th month of the certification period has an option to:

(A) Deduct the expense for one month; or

(B) Average the expense over the remaining months in the certification period.

(b) (Continued)

.3 Calculating Net Income and Benefit Levels

.31 Net Monthly Income (Continued)

.311 (Continued)

- (h) Total the allowable shelter expenses to determine shelter costs, unless a homeless shelter deduction has been subtracted as in Section 63-503.311(f). Subtract from the total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction according to subparagraph (G) of this section. (Continued)

.4 Households with Special Circumstances

.41 Households with Self-Employment Income (Continued)

.411 ~~Monthly Reporting~~ Households with Self-Employment Income

- (a) Monthly reporting households which receive self-employment income on a monthly basis shall report the actual amount of such income on the ~~CA-7~~ monthly eligibility report. The CWD shall calculate the household's benefit level for each month based on the actual amount of self-employment income reported even if such income fluctuates from month to month.
- (b) Self-employment income received less often than monthly which represents a household's annual income shall be averaged over a 12-month period even if the household receives income from other sources in addition to self-employment. If income is from a household member's self-employment in a farming or fishing operation and irregular expenses are incurred to produce that income, the household shall have the option to annualize the allowable costs of producing self-employment income from farming when the self-employment farm income is annualized.
- (c) ~~Self-employment income which is intended to meet the household's needs for only part of the year shall be averaged over the period of time the income is intended to cover. Individuals who are self-employed only part of the year and supplement their income from other sources during the balance of the year shall have their self-employment income averaged over the period of time they are self-employed rather than a 12 month period.~~
- (d) (Continued)

- (e) ~~If income is from a household member's self-employment in a farming or fishing operation and irregular expenses are incurred to produce that income, the household shall have the option to average the expenses and related income over a 12 month period.~~

.412 Annualizing Averaging Self-Employment Income Received Less Often Than Monthly

- (a) At the time of application, the income and expenses from a self-employment enterprise ~~as specified in Sections 63-503.411(b) and (c)~~ shall be verified for either the last year or the last period during which income was earned and which was intended to cover either a year or part of a year. The CWD shall then use this verified information to average the household's income over the next year or period of time the income is intended to cover. (Continued)

- (b) Self-employment must be averaged over the period of time the income is intended to cover even if the household receives income from other sources.

- (b) (Continued)

.413 Allowable Cost of Producing Self-Employment Income

To determine the net gross income of the applicant or recipient, the individual shall choose either actual costs of producing self-employment income or a standard deduction of 40 percent of gross earned income. The amount of actual costs of producing self-employment or the standard 40 percent of gross earned income is deducted from total gross earned income to arrive at the net gross earned income amount. Recipients shall be allowed to change the method of deduction only at recertification or every six months, whichever occurs first.

- (a) Actual Allowable costs of producing self-employment income include, but are not limited to, the identifiable costs of labor, stock, raw material, seed and fertilizer; payments on the principal of the purchase price of income-producing real estate and capital assets, equipment, machinery, and other durable goods; interest paid to purchase income-producing property, insurance premiums, and taxes paid on income-producing property.
- (b) ~~In determining net self-employment income~~ If actual costs are chosen, the following items shall not be allowed as a cost of doing business:

- ~~(1) Payments on the principal of the purchase price of income-producing real estate and capital assets, equipment, machinery, and other durable goods;~~
- ~~(2)~~ (Continued)
- ~~(3)~~ (Continued)
- ~~(4)~~ Depreciation; and
- (4) Any amount that exceeds the payment a household receives from a boarder for lodging and meals.

#### .414 Capital Gains

The proceeds from the sale of capital goods or equipment shall be calculated in the same manner as a capital gain for Federal income tax purposes. Even if only 50 percent of the proceeds from the sale of capital goods or equipment is taxed for Federal income tax purposes, the CWD shall count the full amount of the capital gain as income for food stamp purposes. For households whose self-employment income is calculated on an anticipated, rather than averaged basis in accordance with Section 63-503.412(a)(1), the CWD must count the amount of capital gains the household anticipates receiving during the months over which the income is being averaged.

#### .415 Determining Monthly Income from Self-Employment (Continued)

- (d) For self-employed farmers or fishermen, as defined in Section 63-102(s), if the cost of producing the self-employment income exceeds the income derived from self-employment as a farmer or fisherman, such losses shall be prorated in accordance with Section 63-503.412(b), and then offset against ~~any other~~ countable income in the household; as follows:
  - (1) Offset farm self-employment losses first against other self-employment income.
  - (2) Offset any remaining farm self-employment losses against the total amount of earned and unearned income after the earned income deduction has been applied.

- .416 If the CWD determines that a household is eligible based on its monthly net income, the CWD may elect to offer the household an option to determine the benefit level by using either the same net income which was used to determine eligibility, or by prorating the household's total net income over the period for which the household's self-employment income was averaged to more closely approximate the time when the income was actually received. If income is prorated, the net income assigned in any month cannot exceed the maximum monthly income eligibility standards for the household size.

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(1) (Continued)

Self-Employment Income Computation

Gross Income	\$500
Expenses	<u>- 600</u>
Total Monthly Nonexempt Income	- 100

NOTE: ~~If the monthly self employment is less than or equal to zero, enter zero (0) on line 42 of the gross income eligibility determination computation form. Enter the actual \$ amount of the loss on the "Other unearned income" line.~~

A. Gross Income Eligibility

1. Gross Salary	\$300
2. Self-Employment	<u>- 0</u>
Total Gross Earned Income	300
<del>Cash Aid</del>	450
<del>Other</del> Unearned Income (Cash Aid)	<del>-100</del> <u>450</u>
Total Gross <u>Earned and</u> Unearned Income	<del>+350</del> <u>750</u>
<del>Total Gross</del> Monthly Income	650



Net Income Eligibility

Adjusted Gross		
Earned Income	\$240	(300 x .80)
Cash Aid	450	
Less Offset	- 100	
Total Nonexempt		
Gross Income	590	<del>(350+240)</del>

(1) Self-employment Income Computation When There Are Two Different Sources of Self-employment Income

	<u>Job 1</u>	<u>Job 2</u>
<u>Gross Income</u>	\$ 500	\$ 400
<u>Expenses</u>	600	50
<u>Profit/Loss</u>	-100	+50

(A) First, offset against self-employment income

<u>Job 1</u>	\$100	
<u>Job 2</u>	-50	
	\$ 50	<u>Net loss from self-employment</u>

(B) Gross Income Eligibility

\$ 300	<u>Gross salary</u>
+ 0	<u>Self-employment</u>
+450	<u>Cash Aid</u>
\$ 750	<u>total earned and unearned income</u>

(C) Net Income Eligibility

\$ 240	<u>Adjusted gross salary (300 x .80)</u>
+ 450	<u>Unearned income</u>
\$ 690	<u>Adjusted net income</u>
- 50	<u>Self-employment loss</u>
\$ 640	<u>total nonexempt gross income</u>

HANDBOOK ENDS HERE

.42 (Continued)

.44 Treatment of Income and Resources of Excluded Members (Continued)

.442 Household Members Excluded for SSN Disqualification ~~or Ineligible Alien Status~~

The eligibility and monthly allotment of any remaining household members of a household containing individuals excluded ~~for being ineligible aliens~~ or because of disqualification for refusal or failure without good cause to apply for or provide an SSN shall be determined as follows: (Continued)

.443 Household Members Excluded for Ineligible Noncitizen Status

The CWD must determine the eligibility and benefit level of any remaining household members of a household containing an ineligible noncitizen as follows:

The CWD must count a pro rata share of the ineligible noncitizen's income and deductible expenses and all of the ineligible noncitizens' resources.

.4434 (Continued)

.4445 (Continued)

.46 Residents of Shelters for Battered Women (Continued)

.465 The CWD shall take prompt action to ensure that the former household's eligibility or allotment reflects a change in household composition, which may require contacting another CWD, if the resident is currently living in a shelter in another county. Such action must include acting on reported changes, as appropriate, by issuing a notice of adverse action.

.47 Residents of Drug/Alcoholic Treatment and Rehabilitation Programs (Continued)

~~.475 The treatment center shall notify the CWD, as provided in Section 63-505.2, of changes in the household's income or other household circumstances and when the addict or alcoholic leaves the treatment center. The treatment center shall return a household's authorization document, access device or coupons received after the household has left the center.~~

.4765 When the household leaves the center, the center shall provide the resident household with their county issued Food Stamp ID card, its EBT card if it was in the possession of the center, access device or any untransacted authorization documents. The household, not the center, shall be allowed to sign for and receive any authorized benefits remaining in a direct access issuance system. The departing household shall also receive its full allotment if already issued and if no coupons have been spent on behalf of that individual household. These procedures are applicable any time during the month. However, if the coupons have already been issued and any portion spent on behalf of the ~~individual~~ household, and the household leaves the treatment and rehabilitation program prior to the 16th day of the month, the treatment center shall provide the household with one-half of its monthly coupon allotment.

If the household leaves on or after the 16th day of the month and the coupons have already been issued and used, the household does not receive any coupons. If benefits are issued under an EBT system, the CWD must ensure that the EBT design or procedures for the treatment centers prohibit the centers from obtaining more than one-half of the households allotment prior to the 16th of the month or permit the return of one-half of the allotment to the household's EBT account through a refund, transfer, or other means if the household leaves prior to the 16th of the month.

Under an EBT system where the center has an aggregate EBT card, the CWD may transfer a portion of the household's monthly allotment from a center's EBT account back to the household's EBT account. (Continued)

.4776 (Continued)

.4787 (Continued)

.4798 (Continued)

#### .49 Households with Sponsored ~~Aliens~~ Noncitizens

~~Portions of the gross income and the resources of a sponsor and the sponsor's spouse (if living with the sponsor) shall be deemed to be the unearned income and resources of a sponsored alien for three years following the alien's admission for permanent residence to the United States. The spouse's income and resources shall be counted even if the sponsor and spouse were married after the signing of the agreement.~~

~~The amount of income and resources deemed to be that of the sponsored alien in accordance with Section 63-503.492 shall be considered in determining the eligibility and/or benefit level of the household of which the alien is a member.~~

A portion of the income and the resources of a sponsor and the sponsor's spouse if he or she has executed INS form I-864 or I-864A, shall be deemed to be the unearned income and resources of a sponsored noncitizen and shall be considered in determining the eligibility and/or benefit level of the household of which the sponsored noncitizen is a member.

.491 The sponsored noncitizen is subject to the sponsorship provisions until the sponsored noncitizen:

- (a) achieves United States citizenship through naturalization; or
- (b) has 40 qualifying quarters as specified in Section 63-405.4; or
- (c) is no longer a noncitizen lawfully admitted for permanent residence and leaves the United States; or
- (d) dies.
  - (1) The sponsor's support obligation also terminates when the sponsor dies.

.4912 The following ~~aliens~~ noncitizens are exempt from the sponsorship provisions for sponsored aliens:

- (a) An ~~alien~~ noncitizen who is participating in the Food Stamp Program as a member of his/her sponsor's household or an ~~alien~~ noncitizen whose sponsor is participating separate and apart from the ~~alien~~ noncitizen;
- (b) An ~~alien~~ noncitizen who is sponsored by an organization or group as opposed to an individual;
- (c) An ~~alien~~ noncitizen who is not required to have a sponsor under the Immigration and Nationality Act, such as, but not limited to, a refugee, a parolee, one granted asylum, and/or a Cuban or Haitian entrant.
- (d) An indigent noncitizen as determined by the CWD.
  - (1) For a 12-month period beginning on the date a noncitizen is determined to be indigent, only the actual amount provided to the noncitizen by the sponsor shall be treated as income to the noncitizen.
- (e) A battered noncitizen as specified in Section 63-405.5.

- (1) The battered noncitizen is exempt from sponsorship requirements for 12 months from sponsorship requirements after the CWD has determined there is a substantial connection between the abuse/battery and the need for benefits as specified in Section 63-405.55 and the battered individual does not live with the batterer.
- (2) After 12 months, the batterer's income and resources will not be deemed if the battery is recognized by a court or the INS and has a substantial connection to the need for benefits and the noncitizen does not live with the batterer.

.4923 Eligibility and Benefit Level

(a) Income

- ~~(1)~~ ~~Unearned income of the household containing sponsored aliens shall include the following: The amount of the monthly income of an alien's sponsor and the sponsor's spouse (if living with the sponsor) that has been deemed available to the alien, unless the sponsored alien is otherwise exempt from this provision in accordance with Section 63-503.491.~~
- (21) Unearned income deemed available to the alien noncitizen is determined as follows:
  - (A) Take the total monthly ~~gross~~ earned and unearned income of the sponsor and the sponsor's spouse (if ~~living with the sponsor~~ the spouse has also executed an I-864 or I-864A) at the time the household containing the sponsored noncitizen applies or is recertified.
    - (i) ~~Deduct the earned income deduction from that portion of income determined as earned income~~ For the portion of income determined to be earned income of the sponsor and the sponsor's spouse, deduct 20 percent and
    - (ii) (Continued)
  - (B) If the alien noncitizen has already reported gross income information on his/her sponsor, due to ~~Aid to Families with Dependent Children's (AFDC)~~ Temporary Assistance to Needy Families (TANF) sponsored alien noncitizen rules, that income amount may be used for Food Stamp Program

deeming purposes. However, allowable deductions to be applied to the total gross income of the sponsor and the sponsor's spouse, prior to attributing an income deduction to the alien noncitizen shall be limited to the earned income amount and the Food Stamp Program gross monthly income amount stated above.

- (32) Direct cash payment to the alien noncitizen by the sponsor or the sponsor's spouse shall not be considered as income to the alien noncitizen unless the amount paid exceeds the amount of the sponsor's income deemed available to the alien noncitizen. Only the portion of the amount paid that actually exceeds the deemed amount would be considered income to the alien noncitizen in addition to the deemed income amount.

(b) Resources

- (1) ~~Resources for households containing sponsored aliens shall also include that portion of the resources of an alien's sponsor and the sponsor's spouse (if living with the sponsor) which has been deemed to be those of the alien, unless the sponsored alien is otherwise exempt from this provision in accordance with Section 63-503.491.~~

- (21) Resources of the sponsor and sponsor's spouse as determined by Section 63-501 deemed to be that of the alien noncitizen shall be the total amount of their resources reduced by \$1,500.

(c) Treatment of Income and Resources of More Than One Sponsored Alien Noncitizen

If a sponsored alien noncitizen can demonstrate to the CWD that his/her sponsor sponsors other aliens noncitizens, then the income and resources deemed under this section shall be divided by the number of such aliens noncitizens that apply for, or are participating in the Food Stamp Program.

~~If such information about other aliens for whom the sponsor is responsible is not provided to the CWD, the deemed income and resource amounts calculated shall be attributed to the applicant alien in their entirety until such time as the information is provided.~~

(d) ~~Changing Sponsors~~

~~If the alien changes sponsors during the certification period, then deemed income/resources shall be recalculated based on the required information of the new sponsor. See Section 63-403.33. The reported change would be handled in accordance with the time frames and procedures in Sections 63-504.3 and .4 as appropriate.~~

(e) ~~Loss of a Sponsor~~

~~In the event that an alien loses his/her sponsor during the three year limit on the sponsored alien provisions of this section and does not obtain another, the deemed income and resources of the previous sponsor shall continue to be attributed to the alien until such time as the alien obtains another sponsor or until the three year period for applying the sponsored alien provisions expires, whichever occurs first. However, should the alien's sponsor die, the deemed income and resources of sponsor shall no longer be attributed to the alien.~~

.4934 Awaiting Verification

- (a) While the CWD is awaiting receipt and/or verification from the ~~alien~~ noncitizen of information necessary to carry out the provisions of Section 63-503.49, the sponsored ~~alien~~ noncitizen shall be ineligible ~~to participate until all necessary facts are obtained~~. In determining the eligibility and/or benefit level of the remaining household members, the income and resources of the ineligible ~~alien~~ noncitizen (excluding the attributed income and resources of the ~~alien's~~ noncitizen's sponsor and sponsor's spouse) shall be handled as specified ~~in accordance with~~ Section 63-503.442.

- (b) (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 CFR 271.2; 7 CFR 272.3(c)(1)(ii); 7 CFR 273.1(b)(2)(iii), (c)(3)(i), (ii) and (e)(1)(i) as published in the Federal Register, Volume 59, No. 110 on June 9, 1994; 7 CFR 273.2(j)(4); 7 CFR 273.9(b)(1)(ii) and (b)(2)(ii); 7 CFR 273.10 as published in the Federal Register, Vol. 65, No. 225, November 21, 2000; 7 CFR 273.10(a)(1)(iii)(B); 7 CFR 273.10(c)(2)(iii), (c)(3)(ii), proposed amended 7 CFR 273.10(d) as published in the



Federal Register, Vol. 59, No. 235 on December 8, 1994; (d)(1)(i), (d)(2), (d)(3), (d)(4), and proposed (d)(8) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, and proposed amended 7 CFR 273.10(e)(1)(i)(E-H) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.11(a)(2)(i), (b)(1), (b)(1)(i) and (ii), (c), (c)(1), (c)(2)(iii), (c)(3)(ii), (d)(1), and (e)(1); 7 CFR 273.21(f)(2)(ii), (iii), (iv), and (v), (g)(3), (j)(1)(vii)(B), and (S); (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) \_\_\_\_\_F. Supp.\_\_\_\_\_; Waiver Letter WFS-100:FS-10-6-CA, dated October 2, 1990, U.S.D.A., Food and Consumer Services; Administrative Notice No. 89-12, No. 92-23, dated February 20, 1992, No. 94-39, and No. 94-65; P.L. 100-435, Section 351, and P.L. 101-624, Section 1717; [7 U.S.C. 2012, 2014(e), and 2017(c)(2)(B)]; 7 U.S.C. 2015(d)(1); P.L. 104-193, Sections 115, 815, 821, 827 and 829 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); P.L. 104-193 as amended by P.L. 104-208, P.L. 105-33 and P.L. 105-185; and Federal Food Stamp Policy Memos 82-9 dated December 8, 1981, and 88-4 dated November 13, 1987.

Amend Section 63-504 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING  
ELIGIBILITY

63-504

.1 Certification Periods

The CWD shall ~~establish~~ certify each eligible household for a definite period of time, within which a household shall be certified to receive benefits. At the expiration of such certification period, entitlement to food stamp benefits shall end. Under no circumstances shall benefits be continued beyond the end of a certification period without a new determination of eligibility. See Section 63-504.6 for recertification procedures. CWDs must assign the longest certification period possible based on the predictability of the household's circumstances. The first month of the certification period will be the first month for which the household is eligible to participate. The certification period cannot exceed 12 months, except as specified in Sections 63-504.131 and .14.

.11 General Requirements for Establishing Certification Periods

.111 Certification periods shall conform to calendar or fiscal months, except that for initial applications where benefits are prorated, the beginning date of the certification period shall be the date the application was filed ~~in the appropriate food stamp office with the CWD~~. At initial application, the first month in the certification period shall generally be the month of application, even if the household's eligibility is not determined until a subsequent month. For timely reapplications and recertifications, the certification period shall begin with the month following the last month of the previous certification period. Households should be assigned certification periods of at least six months except as follows:

(a) Households with unstable circumstances should be assigned certification periods consistent with their circumstances, but generally no less than three months.

(b) Households may be assigned one or two-month certification periods when it appears likely that the household will become ineligible for food stamps in the near future. (Continued)

.12 Additional Requirements for Establishing Certification Periods for Monthly Reporting Households (Continued)

.123 Changes in Classification (Continued)

- (b) Households which have their PA eligibility terminated shall retain their originally assigned food stamp certification period, unless the CWD determines it is necessary to shorten the certification period in accordance with Section 63-504.145.
- .13 Additional Requirements for Establishing Certification Periods for Nonmonthly Reporting Households (Continued)
  - ~~.132 Public assistance households shall be assigned certification periods in accordance with Section 63-504.121, except that the certification period shall take into consideration the predictability of the household's circumstances.~~
  - .132 Certification periods for Hhouseholds consisting of all adult members who are elderly or disabled persons may be certified for up to 24 months, provided household circumstances are expected to remain stable. The CWD shall have at least one contact with these households every 12 months. The contact may be in the form of a telephone interview, an in-office interview or some form of a written report.
    - (a) If children are part of a household containing all elderly or disabled persons, the household may be certified for up to 24 months.
  - ~~.134 Changes in household classification shall be handled in accordance with provisions in Section 63-504.123, except that new certification periods shall be assigned in accordance with Section 63-504.13.~~
- .14 Certification Periods for Households Residing on a Reservation
  - .141 Monthly reporting households residing on a reservation shall be certified for 24 months.
  - .142 When households move off the reservation, the CWD must either continue their certification periods until they would normally expire or shorten the certification period in accordance with Section 63-504.15.
- .145 Shortening the Length of the Certification Period
  - .1451 The CWD may shorten the certification period of any household when the CWD determines the need to do so based on individual case circumstances which shall include, but not be limited to, those circumstances specified below: shall not shorten a household's certification period. The CWD must end a certification if the CWD determines the household becomes ineligible.

- (a) ~~Households that experience a change in circumstances that brings continued eligibility into question.~~
- (b) ~~For PA households that experience a change which results in an early PA redetermination but the change does not affect food stamp eligibility, the CWD shall conduct a food stamp recertification at the same time if necessary to keep the recertification/redetermination time frames on the same schedule.~~

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Example: A household's certification will end by May 31st. However, in March of the same year, the CWD receives information that renders the household ineligible. The CWD cannot send a Notice of Expired Certification to shorten the certification period as a means of discontinuing the household from benefits. The certification period can be ended only if the CWD determines the household is ineligible and an adverse Notice of Action is sent to the household.

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- ~~.142 The CWD shall provide the household with a notice of action as specified in Section 63-504.252, when their certification period is shortened. The notice shall inform the household that the certification period has been shortened and will expire at the end of the month following the month in which the notice was sent and of the specific reason for shortening the certification period.~~
- ~~.143 The CWD may terminate the household's participation prior to the last month of the shortened certification period if the CWD receives information that renders the household ineligible and there is sufficient time to provide timely notice of the termination.~~
- .16 Lengthening the Certification Period
  - .161 CWDs may lengthen a household's certification period once it is established, as long as the total months of the certification period do not exceed 24 months for households in which all adult members are elderly or disabled, or 12 months for other households.
  - .162 If the CWD extends a household's certification period, it must advise the household in accordance with adequate notice provisions as specified in Section 63-504.2.  
(Continued)

.61 General Requirements (Continued)

~~.611~~(a) (Continued)

(~~a~~1) (Continued)

(~~b~~2) (Continued)

(~~1~~A) (Continued)

(~~2~~B) (Continued)

~~.612~~(b) (Continued)

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To expedite the recertification process, CWDs are encouraged to send a recertification form, an interview appointment letter that allows for either an in-person or telephone interview and a statement of verification needed with the Notice of Expiration.

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~~.613~~(c) (Continued)

(~~a~~1) (Continued)

(~~b~~2) (Continued)

(~~c~~3) (Continued)

(~~1~~A) (Continued)

(~~2~~B) (Continued)

~~.614~~(d) (Continued)

(~~a~~1) (Continued)

(~~b~~2) (Continued)

- (e3) If the household does not appear for any interview scheduled in accordance with this section or attempted to reschedule another appointment, the CWD need not initiate any further action.

(e) Delayed Processing

- (1) If a household's application for recertification is delayed beyond the first of the month of what would have been its new certification period through the fault of the CWD, the household's benefits for the new certification period shall be prorated based on the date of the new application, and the CWD shall provide restored benefits to the household back to the date the household's certification period should have begun had the CWD not erred and the household been able to apply timely.
- (2) When a household's eligibility is not determined by the end of its current certification period due to the time period allowed for submitting any missing verification, the household shall receive an opportunity to participate, if eligible, within five working days after the household submits the missing verification and benefits shall not be prorated.

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Example: A household completed the interview and application process before the end of its current certification period in April. However, verification still must be provided within 10 days of the completed application process. The 10-day period for submitting verification extends into the month following the current certification period, or on May 5th. The household submits the verification on May 4th within the allowable 10-day period. The CWD must provide a full month of benefits for May and by the 9th day in May due to the five-day limit for providing an opportunity for the household to participate in the program.

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~~615~~(f) (Continued)

~~616~~(g) CWD Action on Timely Applications for Recertification (Continued)

(a1) (Continued)

(b2) (Continued)

(e3) ~~Households which have timely reapplied, but due to CWD error are not determined eligible in sufficient time to provide for issuance in the household's~~

~~normal issuance cycle for the following month, shall receive an immediate opportunity to participate upon being redetermined eligible. If an eligible household files an application before the end of the certification period but the recertification process cannot be completed within 30 days after the date of application because of CWD fault, the CWD must continue to process the case and provide a full month's allotment for the first month of the new certification period.~~

~~617~~(h) (Continued)

~~618~~(i) CWD Action on Untimely Applications for Recertification

(a1) (Continued)

(1A) (Continued)

(2B) (Continued)

(b2) (Continued)

(c) ~~For applications received in the month following the expiration of the certification period, benefits shall be prorated as specified in Section 63-503.13. However, eligible households who receive a notice of action informing them of the expiration of their certification period at the time of certification shall not have benefits for the first month of the new certification period prorated if they file their applications for recertification by the filing deadline specified on the notice of action.~~

(d3) (Continued)

(e4) (Continued)

~~619~~(j) (Continued)

Authority Cited: Sections 10554, 11265.1, and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 CFR 271.2; proposed 7 CFR 273.2(f)(1)(xii) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (f)(8)(i); (f) (8)(i)(A) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; (f)(8)(ii), 7 CFR 273.2(j)(3) and (4); 7 CFR 273.8(b); 7 CFR 273.10(d)(4), (g)(1)(i) and (ii); proposed 7 CFR 273.12(a)(1)(vi)

as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, and (c); 7 CFR 273.12(e)(1), (e)(2), and (e)(4); 7 CFR 273.13(a)(2); 7 CFR 273.13(b)(1); 7 CFR 273.14 as published in the Federal Register, Vol. 65, No. 225, November 21, 2000; 7 CFR 273.14(b)(3); 7 CFR 273.21(e)(1), (f)(1)(iii), (f)(1)(iv)(B), (h)(2)(iv), proposed (h)(2)(ix) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (h)(3)(ii), (i), (j), (j)(1)(vi), (j)(1)(vii)(A) and (r), (j)(2)(iii), (j)(3)(ii), (j)(3)(iii)(B), (j)(3)(iii)(C), and proposed (j)(3)(iii)(E) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 274.10; P.L. 100-435, Section 351, P.L. 101-624, and P.L. 103-66; P.L. 104-193 as amended by P.L. 104-208, P.L. 105-33 and P.L. 105-185; Section 1717, [7 U.S.C. 2014(e)]; 7 U.S.C. 2014(d)(7) and 2017(c)(2)(B); U.S.D.A. Food and Consumer Services, Administrative Notices 94-39 and 97-50; P.L. 104-193, Sections 801, 807 and 827 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); and Federal Administrative Notice 97-99, dated August 12, 1997.



Amend Section 63-507 to read:

63-507      RESOURCES AND/OR INCOME EXCLUDED BY OTHER      63-507  
FEDERAL LAW

- (a) Resources and/or income shall be excluded if specifically excluded for Food Stamp purposes by any other federal law, including, but not limited to: (Continued)
- (4) Allowances, earnings and payments to individuals in programs specified under the ~~Job Training Partnership Act of 1982 (P.L. 97-300)~~ Workforce Investment Act (WIA) shall be excluded, except that earnings of individuals participating in on-the-job training programs shall not be excluded as either resources or income (P.L. 97-300, Section 142(b) and P.L. 99-198).
- (A) However, earnings of dependent household members under 19 years of age who are participating in on-the-job training under ~~JTPA~~ WIA shall be excluded. (Continued)

Authority Cited: Sections 10553, 10554, 11209, and 18904, Welfare and Institutions Code.

Reference: Sections 10554, 18901, 18902, and 18904, Welfare and Institutions eCode; 7 Code of Federal Regulations (CFR) 273.8(e)(11) and (12)(ii); 7 CFR 273.9(b)(1)(v) as published in the Federal Register, Vol. 65, No. 225, November 21, 2000; 7 CFR 273.9(c)(10); Public Law (P.L.) 89-642; P.L. 91-646, Section 216; P.L. 93-113; P.L. 94-105, Section 9(d); P.L. 95-531; P.L. 95-600; P.L. 97-300, Section 142(b); P.L. 99-425, Section (e); P.L. 99-576, Section 303(a)(1); P.L. 100-50; P.L. 100-175, Section 166; P.L. 100-383, Section 105(f)(2); P.L. 100-485, Section 301; P.L. 100-707, Section 105(i); P.L. 101-201; P.L. 101-329, Section 10405; P.L. 101-426; P.L. 101-508, Section 5801; P.L. 101-610, Section 177(d); P.L. 102-325; P.L. 102-586; P.L. 103-286, Section 1; P.L. 104-193 as amended by P.L. 104-208, P.L. 105-33 and P.L. 105-185; 20 United States Code (U.S.C. 2301-2466d; United States Department of Agriculture (U.S.D.A.), Food and Nutrition Service (FNS), Administrative Notice (AN) 94-41, dated April 19, 1994; U.S.D.A., FNS, ANs 94-58 and 94-59, dated July 5, 1994; U.S.D.A., FNS, AN 94-72, dated September 15, 1994; P.L. 104-193, Sections 808 and 827 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); and Administrative Notice 96-48.

## **Summary of MPP changes** **June 1, 2001**

Following is a brief description of the changes to the MPP effective June 1, 2001 in response to the Federal Register Final Rule dated November 21, 2000.

### **Definitions, 63-102:**

The following definitions have been added:

CalWORKs  
Energy Assistance  
Household  
Inaccessible Resource  
Indigent noncitizen  
Means Tested Public Benefits  
TANF

The following definitions have been revised:

Public Assistance (PA)  
Sponsored noncitizen

### **Application Process, 63-300:**

- **Filing, Notice of Right to File and Withdrawal, 63-300.3:**  
In addition to filing an application in person or by mail, households may now also file applications electronically or by fax. This does not mean that County Welfare Departments (CWDs) must establish an electronic applications process, it means that if the CWD has the capacity it may be utilized. There is also clarification that faxes and electronic signatures are acceptable.
- **Waiving the Interview (No Option), 63-300.42:**  
The requirement for an in-office face-to-face interview must be waived if the household consists of only elderly or disabled members with no earned income. The interview shall be done by telephone. If the household does not have access to a telephone, the interview shall be done by a home visit.
- **Scheduling Initial Application Interviews, 63-300.45:**  
If an applicant household misses its scheduled intake appointment, a notice shall be sent of denial for a missed interview. The notice may be combined for both the missed interview and the denial. The household may contact the CWD and request another interview within 30 days of the application date. If the household does not contact the CWD, no further action is required after the denial notice.

- **Scheduling Recertification Interviews, 63-300.451:**

If a household is certified for less than 12 months, the CWD may choose not to conduct a face to face interview of the household for interim recertifications within the 12 month period. For example, a homeless household is certified for 3 months. The CWD may process 3 of the recertifications during the year by mail or telephone. At no later than 12 months after the last face-to-face interview, (unless it is a household eligible to a 24-month certification period) a face-to-face interview must be conducted.

If the household also received Public Assistance/General Assistance, the CWD may only require one in-office face-to-face interview in a 12-month certification period. Any interim recertifications may be done by telephone, mail or home visit.

CWDs shall schedule recertification interviews to allow households at least 10 days after the interview in which to provide verification before the certification period expires.

- **Verification, 63-300.5:**

The household shall be given at least 10 days to provide verification at initial application, at recertification, and any time during the certification period.

If the household's recertification cannot be completed by the end of its current certification period due to the 10 day time period allowed, the CWD shall provide benefits within 5 working days after the verification is received and the household's shall NOT be prorated from the date the verification is received. For example, if a household is interviewed on March 25, 2001 for recertification and verification is required, the household would be allowed until April 4, 2001 to provide it. If the household provided the verification on April 3, 2001, the CWD would be required to issue benefits by April 10, 2001 and April benefits would NOT be prorated.

- **Mandatory Verification, Noncitizen Status, 63-300.55:**

A noncitizen may receive benefits pending eligible noncitizen verification if the CWD has submitted a copy of a document provided by the household to Immigration Naturalization Service (INS) for verification or for up to 6 months if a request has been submitted to a federal agency for verification of information that bears on the individual's eligible noncitizen status.

If a noncitizen applicant does not wish the CWD to contact INS to verify his or her immigration status, the household must be given the option of withdrawing its application or participating without that member of the household.

- **Categorically Eligible PA Households, 63-300.7**

Households subject to retrospective budgeting that have been suspended for PA purposes or that receive zero benefits shall be considered CE.

Sections .733 and .734 on disqualifying the entire household for PWR failure to comply are deleted.

## **Eligibility Standards, 63-400**

- **Household Concept, Group living arrangements, 63-402.622**

The revisions to this section clarify that households living in Group Living Arrangements (GLA) may apply for benefits for themselves. The same provisions that apply to other households would be applied. However, if the GLA's Authorized Representative applies for a GLA resident, their eligibility must be determined as a one-person household.

- **Citizenship or eligible noncitizen status, 63-405.313:**

Clarification added that veteran status includes individual who served before 7/1/1946 in the organized military forces of the Government of Commonwealth of the Philippines.

## **Resource Determinations, 63-501**

- **Exclusions from Resources, 63-501.3:**

Adds a new exclusion for resources, including vehicles, which have an equity value of \$1,500 or less. Determination of equity value would include the value of the vehicle less encumbrances, necessary repairs and damage. The \$1,500 exclusion from resources other than vehicles does not apply to financial institutions, such as stocks, bonds and negotiable financial instruments.

- **Inaccessible Vehicle, 63-501.521:**

Adds a new exclusion for vehicles if the equity value is \$1,500 or less.

- **Equity Exempt Vehicles, 63-501.523:**

Changes vehicle exemption to equity value test from one licensed vehicle per household to one licensed vehicle PER ADULT HOUSEHOLD MEMBER. Also exempts from the equity test, one licensed vehicle per household member under 18 years of age to go to work, school, job training or to look for work.

- **Vehicle Valuation (Handbook), 63-501.525:**

Handbook section revised for easier use. Step one looks for exclusions. If a vehicle is excluded, there is no need to continue to determine value. Step two looks at the possibility of exclusion as an inaccessible resource. Step three explains determining Fair Market Value. Step Four explains FMV and Equity value. Step Five explains Equity value for unlicensed vehicles.

- **Vehicle Valuation (Handbook), 63-501.525: (continued)**

Examples: The steps refer to the chart in the Handbook at 63-501.525.

Example one. A household consists of 2 adults, one 17 year old and one 10 year old. They have 4 vehicles. No one is disabled. They live in a house. None of the vehicles are used to transport heating fuel or water. No one in the home is self-employed. Three of the vehicles are used by the family to travel to work and errands and the unlicensed vehicle is not used. The 17-year-old drives to high school. None of the vehicles have significant damage. The vehicles are as follows:

Vehicle A: Valued at \$6,000. , No encumbrances. Currently licensed.  
 Vehicle B: Valued at \$5,000. Encumbered for \$4,000. Currently licensed.  
 Vehicle C: Valued at \$1,000. No encumbrance. Currently licensed.  
 Vehicle D: Valued at \$750.00 Not licensed and not encumbered.

<b>Vehicle A:</b>	Step one:	Not Exempt
	Step Two:	Equity is over \$1,500, not exempt
	Step Three:	Determine FMV only, exempt from equity test for use by an adult household member.
	FMV:	\$6,000
		- <u>4,650</u>
		<b>\$1,350 countable value</b>
<b>Vehicle B:</b>	Step one:	Not exempt
	Step Two:	Equity is less than \$1,500. <b>EXEMPT.</b>
		<b>No countable value, vehicle is inaccessible.</b>
<b>Vehicle C:</b>	Step one:	Not exempt
	Step Two:	Equity is less than \$1,500. <b>EXEMPT.</b>
		<b>No countable value, vehicle is inaccessible.</b>
<b>Vehicle D:</b>	Step one:	Not exempt
	Step Two:	Equity is less than \$1,500. <b>EXEMPT.</b>
		<b>No countable value, vehicle is inaccessible.</b>

**Total resources value from vehicles: \$1,350.00.** If this household's total other resources such as bank accounts are less than \$650.01, this household is resource eligible.

- **Vehicle Valuation (Handbook), 63-501.525: (continued)**

Example two. A household consists of a single able-bodied adult. She owns one vehicle. It is unlicensed and sits in a friend's drive way. The blue book value is \$1,750.00. It has no encumbrances or damage, she just can't afford to register it and put gas in it.

Step One: Not exempt.

Step Two: Equity is over \$1,500, not exempt

Step Three: Do not determine FMV because the vehicle is not licensed.

Step Four: Determine equity value, \$1,750.00

**Total resources value from vehicles: \$1,750.00.** If this household's total other resources such as bank accounts are less than \$250.01, this household is resource eligible.

- **Inaccessible Unlicensed Vehicles, 63-501.53:**

Adds unlicensed vehicles with an equity value of \$1,500 or less as an inaccessible resource and excludable.

- **Income, exclusions and deductions, energy assistance, 63-502.2**

Adds income exclusion for energy assistance for any payment or allowances made for the purpose of providing energy assistance under any federal law other than Part A of Title IV of the Social Security Act, including utility reimbursements made by the Department of Housing and Urban Development and the Rural Housing Service.

- **Cost of weatherization:**

Also adds income exclusion for a one-time payment or allowance applied for an as-needed basis and made under a federal or state law for the cost of weatherization Or emergency repair as replacement of an unsafe or inoperative furnace or other heating or cooling device.

- **Earned income of children:**

Clarifies that the earned income of children who are elementary or secondary school students at least halftime is excluded until the month following the month the household member attains his/her 18<sup>th</sup> birthday.

Adds that the earned income of household members under 19 years of age who are participating in on-the-job training programs under section 204(b)(1)(C) or section 264(c)(1)(A) of the Workforce Investment Act is excluded.

- **Exclusion of TANF diversion payments:**

Adds that TANF payments made to divert a family from becoming dependent on welfare may be excluded as a non-recurring lump-sum payment if the payment is not defined as assistance.

- **Homeless shelter deduction, 63-502.35**

Added. If a homeless shelter deduction is allowed, an excess shelter deduction computation is not computed.

- **Choice of SUA or actual utility cost, 63-502.36**

Previously a household could change between SUA and actual at recertification. This section has been revised to state that households may switch between the two at recertification and when a household moves. Households certified for 24 months may also choose to switch between a standard and actual costs at the time of the mandatory interim contact.

## **Determining household eligibility and benefit levels, 63-503**

- **Averaging self-employment income, 63-503.412**

Self-employment income received less often than monthly is no longer “annualized”. The terminology is now “averaged”. Self-employment income must be *averaged* over the period of time the income is intended to cover even if the household receives income from other sources. For example, a household operates a gardening business and receives a payment to provide gardening services for a period of 3 months. That income would be averaged over 3 months.

- **Cost of producing self-employment income, 63-503.413**

Allowable cost of producing self-employment income has been revised to allow self-employed households to choose between the actual cost of self-employment or 40% of gross earned income. Recipients will be allowed to change the method of deduction only at recertification or every six months, whichever occurs first.

Payments made on the principal of the purchase price of income producing real estate and capital assets, equipment, machinery and other durable goods is now allowed as an actual cost of producing self-employment.

Any amount that exceeds the payment a household receives from a boarder for lodging and meals cannot be deducted for actual expenses. For example, a household cannot charge a boarder \$250.00 for lodging and meals and then have a deduction of \$275.00 for the cost of providing lodging and meals to the boarder

- **Capital gains, 63-503.414**

Capital Gains can now be calculated on an anticipated rather than averaged basis for households averaging self-employment income. The CWD must count the amount of capital gains the household anticipates receiving during the months over which income is being averaged.



- **Prorating self-employment income, 63-503.416**

If the CWD determines that a self-employed household is eligible based on its monthly net income, the CWD may offer the household an option to determine the benefit level by using either the same net income that was used to determine eligibility, or by prorating the household's total net income over the period for which the household's self-employment income was averaged to more closely approximate the time when the income was actually received. If income is prorated, the net income assigned in any month cannot exceed the maximum monthly income eligibility standards for the household size.

- **Ineligible noncitizen income, 63-503.443**

If a household contains an ineligible noncitizen, the CWD must determine the eligibility and benefit level for any remaining household member by using a pro rata share of the ineligible noncitizen's income and deductible expenses, and all the ineligible noncitizen's resources.

- **Drug and alcohol treatment centers, use of EBT, 63-503.475**

This section has been revised to reflect the impact of the change from food stamp coupons to EBT on drug and alcohol treatment centers. The treatment centers will now be responsible for returning the EBT card and the CWD must ensure that the EBT procedures for the treatment centers prohibit the centers from obtaining more than one half of the household's allotment prior to the 16<sup>th</sup> of the month or permit the return of one half of the allotment to the household's EBT account through a refund, transfer or other means if the household leaves prior to the 16<sup>th</sup> of the month.

- **Term of sponsorship, 63-503.49**

This section has been revised to reflect the changes in Sponsorship laws in 12/97. Sponsorship is now normally for an indefinite period of time rather than for 3 years. Sponsored noncitizens are no longer subject to sponsorship provisions if one of the following occurs: the noncitizen achieves US citizenship, obtains 40 qualifying quarters, is no longer lawfully admitted for permanent residence and leaves the US, the noncitizen or the sponsor dies.

- **Indigent and battered noncitizens, 63-503.492**

Indigent and battered noncitizen is added to list of noncitizens who are exempt from the sponsorship provisions. Indigent noncitizens are noncitizens who are unable to obtain shelter and food, taking into account the noncitizen's own income plus any cash, food, housing or other assistance provided by other individuals including the sponsor(s) without assistance from the CWD.

An indigent noncitizen, as determined by the CWD, shall have only the actual amount of income provided by the sponsor treated as income to the noncitizen. This is for a 12-month period beginning on the date the noncitizen is determined to be indigent.

A battered noncitizen is exempt from sponsorship requirements for 12 months after the CWD has determined the noncitizen's eligibility for benefits. Also, the battered individual must not live with the batterer in order to continue to be exempt from sponsorship requirements.

## **Household Certification and Continuing Eligibility, 63-504**

- **Longest possible certification period, 63-504.1**

Clarification added that CWDs must assign the longest certification period possible based on the predictability of the household's circumstances. The certification period cannot exceed 12 months except as specified in 63-504.131 and 63-504.14 (elderly, disabled, homeless and residents of Indian reservations).

- **24 month certification for elderly and disabled households, 63-504.131**

Clarification added that households with all elderly or disabled adults may be certified for up to 24 months even if there are children in the household.

- **24 month certification for households living on Indian reservations, 63-504.14**

Households residing on a reservation shall be certified for 24 months. Note, this is not "up to 24 months, but rather 24 months specifically. When households move off the reservation, the CWD must either continue the certification periods until they would normally expire or shorten the certification period if the CWD determines the household is no longer eligible. See the next section on shortening certification periods.

- **Shortening certification periods, 63-504.15**

CWDs are no longer allowed to *shorten* households' certification periods. If the CWD determines the household becomes ineligible, they must *end* the certification period. The CWD cannot send a Notice of Expired Certification (NEC) to shorten a

certification period as a means of discontinuing a household from benefits. The certification period can be ended only if the CWD determines the household is ineligible and an adverse Notice of Action is sent to the household.

- **Lengthening certification periods, 63-504.16**

If a CWD certifies a household for less than the maximum number of months, the CWD may lengthen a household's certification period once it is established, as long as the total months of the certification period do not exceed 24 months for households in which all adult members are elderly or disabled, or 12 months for other households. For example, if a CWD certifies an ABAWD household for 6 months, it may later lengthen the certification to 12 months. If a certification period is lengthened, the household must be advised.

- **Delayed recertification, 63-504.615**

If a household's application for recertification is delayed beyond the end of the original certification period due to the fault of the CWD, the household's benefits for the new certification period shall be prorated based on the date of the reapplication and benefits will be restored to the household back to the date the household's benefits would have begun if the CWD had not erred.

When a household's eligibility is not determined by the end of its current certification period due to the time allowed for submitting verification, the household shall receive benefits if eligible within 5 working days after the household submits the missing verification and benefits shall not be prorated.

If a household files an application before the end of the certification period but the recertification process cannot be completed within 30 days after the date of application because of CWD fault, the CWD must continue to process the case and provide a full month's allotment for the first month of the new certification period.

## ATTACHMENT C

### FORMS AND NOTICES OF ACTION (NOAs)

<b><u>Form Number</u></b>	<b><u>Form Name</u></b>	<b><u>Description of Change</u></b>
FS 8	IMPORTANT INFORMATION ABOUT REQUIRED VERIFICATIONS IN THE FOOD STAMP PROGRAM	Adds language informing applicants that they are allowed at least 10 days to provide verification after the date of request to verify. MPP 63-300.51.
FS 9	FOOD STAMPS IMPORTANT INFORMATION	<p>Adds language informing applicants that a vehicle is excluded as a resource, if when sold it would not net more than \$1,500. MPP 63-501.521 and .53.</p> <p>Adds language informing applicants who file for cash aid and food stamps, and are denied cash aid, are not required to file a new food stamp application. MPP 63-301.63.</p>
DFA 285-A3	IMPORTANT FACTS FOR FOOD STAMP APPLICANTS	<p>Adds language informing households that the face-to-face interview will be waived and instead allow a telephone interview on a case-by-case basis due to hardship. MPP 63-300.4.</p> <p>Adds Self-Employment Expenses Calculation Rule of choice between 40% of gross income (standard deduction) or actual costs. The choice may be changed at recertification or every six months, whichever happens sooner. MPP 63-503.413.</p>
DFA 377.1A	NOTICE OF DENIAL OR PENDING STATUS	Modifies the Notice of Action to allow it to be used as a Notice of Denial statement for a missed interview. MPP 63-300.45.

## IMPORTANT INFORMATION ABOUT REQUIRED VERIFICATIONS IN THE FOOD STAMP PROGRAM

### SAVE THIS NOTICE

Verifications are proof (such as identification cards, wage stubs, receipts, bills, etc.) that you need to show us. The following list has some of the most common examples you may need to give us so we can figure your eligibility and benefit amount. You must give us proof anytime you have a change or anytime what you tell us is questionable, out-of-date or incomplete. You may not need to give us all the items on the list; your eligibility worker will tell you what is needed. If you need help in getting any proof, the county will help you get the proof and/or tell you if there is some other way you can show proof. Please bring the proof that applies to you to your interview. You will have at least 10 days to provide the proof after you are asked for it.

#### Proof of Identification

- Department of Motor Vehicles driver's license or identification (ID) card or any other ID card with your picture on it.
- Other ID for work, school, health benefits, or for another public assistance program.
- Social security number (SSN) card or other document with your SSN.
- Voter registration card, birth certificate or baptismal certificate, etc.

#### Proof of Application for Social Security Number

- SSN card OR proof of application for an SSN for each household member who doesn't already have an SSN.

#### Proof of Alien Status (one of the following)

- Alien Registration Card (green card), Refugee Information Form, Arrival-Departure Card.
- Citizenship papers.
- Other Immigration and Naturalization Service (INS) papers that show your current status.

#### Proof of Property

- Statements/passbooks that verify current checking/savings account balances in banks, credit unions, savings and loan associations, etc.
- Motor vehicle registration papers or receipts for automobiles, boats, trailers, motorcycles, mobile homes, etc.
- Papers that show what the property is, its worth, who it belongs to, etc.

SEE THE OTHER SIDE OF THIS FORM FOR OTHER EXAMPLES.

#### Proof of Income

- Payroll check stubs that show name of employer and person who worked, gross amount of pay before deductions, dates of pay period, etc.
- Papers that show where the money came from, the amount, the person who got or will get the money or benefit, and what period of time it's for; such as copies of checks or award letters, loan papers, etc.

SEE THE OTHER SIDE OF THIS FORM FOR OTHER EXAMPLES.

#### Proof of Shelter Costs/Expenses (billed to you)

- Housing - bills/receipts for
  - rent, house/mortgage payments.
  - insurance and property taxes, if not part of your house payment.
- Actual Utility Costs - bills/receipts (if not included in your rent) for
  - gas, electricity, telephone, utility installation.
  - garbage and trash pickup, water, sewage, etc.
- Standard Utility Allowance (SUA) - bills/receipts
  - for heating or cooling costs that show you are billed separately from rent or mortgage payment.
  - or signed agreement showing that the amount you are charged is based upon a meter that shows how much gas or electricity you use each billing period.
  - for wood or other fuel used for heating or cooling.

SEE THE OTHER SIDE OF THIS FORM FOR WHAT WE MEAN WHEN WE SAY--

#### **Actual Utility Costs And Standard Utility Allowance (SUA)**

- Shared Housing or Utilities - bills/receipts
  - or other papers that show what was paid or owed, and which costs each person paid/owed.

#### Proof of Allowable Dependent Care Costs - bills/receipts

- that show the name of the person who gave the care, name of the person(s) cared for, cost of the care, and the name of the person who paid for the care.

SEE THE OTHER SIDE OF THIS FORM FOR WHAT WE MEAN WHEN WE SAY--

#### **Allowable Dependent Care**

#### Proof of Allowable Court Ordered Child Support Paid

- copies of the court order that requires a member of the household to pay child support for a child not living with the household.

SEE THE OTHER SIDE OF THIS FORM FOR WHAT WE MEAN WHEN WE SAY--

#### **Allowable Court Ordered Child Support.**

**SEE OTHER SIDE FOR MORE INFORMATION**

After your eligibility interview the county will tell you what to show if you need to show other proof for such things as, but not limited to, proof of:

Residency

Citizenship

Household Composition

Eligible Educational or Training Costs

Inability to work due to mental or physical unfitness for employment

Severe Disability

Medical Expenses (If elderly, age 60 or over, or disabled)

Cooperation with Work and Training Requirements (some households will need proof of going to work assignments or training, to job contacts, or on job searches.)

#### WHAT WE MEAN WHEN WE SAY:

**Property** - cash or other items belonging to you and to anyone living with you that can be changed to cash, such as, but not limited to the following:

- Cash on hand or cash kept elsewhere, and investments, stocks, and bonds.
- Checking accounts, savings accounts in banks, credit unions, savings and loan associations, etc.
- Real estate, other than the home where you live.
- Income tax refunds.
- Winnings from bingo, lottery, prizes, etc.
- Trust funds, stocks, bonds, and certificates.
- Notes, mortgages, deeds, sales contracts.
- Oil, mining, or mineral rights.
- Retirement funds that you can get if you stop work.
- Other retirement funds, such as IRAs or Keogh Plans, etc.
- List of safety deposit box contents.
- Life insurance and burial policies that show the cash surrender value.

**Income** - money you get from any source, such as, but not limited to the following:

- Employment, such as full-time, part-time and self-employment (including hobbies).
- Training, such as Work Study, WIA, GAIN, or other program that may include a training allowance.
- Student grants and loans.
- Welfare, such as CalWORKs, RCA (Refugees), or GA/GR (General Assistance).
- State benefits such as UIB (unemployment insurance) and DIB/SDI (disability insurance benefits/state disability insurance).
- Workers compensation.
- Child or spousal support and alimony.
- Social Security Administration, such as supplemental security income/state supplementary program (SSI/SSP); other disability or retirement or survivors benefits.
- Veterans Administration, such as disability or GI Bill
- Military allotment of pension.
- Railroad disability or retirement.
- Other disability, retirement or pension from a private or federal, state, or local government agency.
- Roomers and boarders.
- Loans, gifts, and contributions.
- Income from rental property.

**Actual Utility Costs** - actual costs for your utilities (up to the maximum allowable deduction).

**Standard Utility Allowance (SUA)** - a monthly amount for all your utilities if you are billed for heating or cooling costs apart from your rent or mortgage payment. AND if you are billed for gas or electricity, your charges must be based upon a meter that shows the amount of gas or electricity used.

**Allowable Dependent Care Costs** - actual monthly costs of the care of a child or other dependent, if working, looking for work or going to school to prepare for work (up to the current maximum).

**Court Ordered Child Support Allowance** - actual court ordered child support paid monthly by a household member for a child not living in the home. This can include payment for current and past months support amounts, if paid in the current month.

## FOOD STAMPS

### IMPORTANT INFORMATION

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#### IF YOU HAVE A DISABILITY AND NEED HELP APPLYING FOR OR CONTINUING TO RECEIVE FOOD STAMP BENEFITS AND SERVICES, TELL THE COUNTY.

**The law says that all applicants/recipients for aid, benefits, or services are to be treated fairly.  
If you think you have been discriminated against, contact your county's civil rights coordinator.**

#### WHAT IS THE FOOD STAMP PROGRAM?

It's a program that helps low-income households get more and better food than they could buy with just their money. The food stamps come from the Federal government. The Food Stamp Program rules come from Federal and State laws and regulations. The County Welfare Department uses these rules to run the program.

#### HOW DO I ASK FOR FOOD STAMPS?

You ask for food stamps by filling out an application form at the closest County Welfare Department office in the county where you live. The application will be for everyone in your food stamp household. In most cases, your food stamp household will be all the people who live with you. Sometimes, people who live with you buy and fix their own food. If they do, they may be able to be in their own food stamp household. They would have to fill out their own application form if they want food stamps.

You can also ask for medical benefits and most types of cash aid at the same time by using the same form. If you are asking for your county's local cash aid (i.e., General Relief or General Assistance), you may need to use a different application form. After you turn in your application form, the county will set up a time for you to talk to a worker. Most of the time, you will be able to talk to the same worker about cash aid.

If you need food stamps right away because you do not have much money, you may get food stamps sooner. This is called "Expedited Service." If you meet the rules for Expedited Service, you can get food stamps within three (3) days from the date you turned in your application form.

#### WHAT WILL THE COUNTY ASK ME TO DO?

Your worker will need to know certain facts to find out if you meet all of the rules. You will need to give your worker proof of some of these facts. You will need to give to your worker new proof anytime the facts change and proof of your earnings each month. Your worker will tell you which facts need proof. If you don't give your worker the facts or proof, your worker may have no choice but to deny or stop your food stamps until you do all that you can to get the facts or proof.

If you need help in getting the proof, your worker will help you get it or tell you if there is another way you can show proof.

#### WHAT ARE SOME OF THE RULES THAT I HAVE TO MEET TO GET FOOD STAMPS?

Here are some of the rules that everyone has to meet to get food stamps. There are others, but your worker will tell you about them. How many of the other rules apply to you will depend on your situation.

- **Social Security Number (SSN):** Everyone, even babies, must have an SSN. If someone in your household doesn't have one, you must do all you can to help that person get one. Anyone who refuses to give either a SSN or proof or application for a SSN will be disqualified from getting Food Stamps.
- **Live In the County:** You must live in the county where you are asking for food stamps. If you move to a different county and still want food stamps, you will have to ask for them again in the new county.
- **Citizenship:** To get food stamps, you must be a U.S. Citizen, or U.S. National, or have a certain lawful noncitizen status. If you are a noncitizen and in this country legally, you may get food stamps **ONLY IF** you have worked 10 years (forty quarters) **OR** you are a legal noncitizen under the age of 18 or age 65 or over **OR** you are on active duty in the U.S. military **OR** you are an honorably discharged U.S. military veteran, **OR** you are the parent, child, or spouse of someone who has either worked 10 years or has the U.S. military connection. If you are an asylee, refugee or are under stay of deportation for certain reasons, **AND** you have been in this country for less than five years, you may be eligible without work history or military connection.
- **Property Limit:** There is a \$2,000.00 limit on the amount of property (e.g., bank accounts, stocks, etc.) that your household can have and still get food stamps. If someone in your household is at least 60 years old, the limit goes up to \$3,000.00. Your house and furniture are not part of the total limit as long as you live in your home. The individual vehicle value limit is \$4650. If you have only one vehicle which is registered, and it has a value of less than \$4650, it will not be counted as part of the limit. If your vehicle is worth more than \$4650, anything over the limit will be used as part of the total property limit to determine eligibility, unless the vehicle is needed by the household for certain reasons. Your worker can tell you what these are. If you have a vehicle that, if you sold it, you would not get more than \$1,500 for it, this vehicle also would not be counted. If you have a vehicle that is unregistered, its value will be figured differently and your worker can explain how for you.

**SEE OTHER SIDE FOR MORE INFORMATION**

## RULES (Cont.)

- **Register for Work:** Most household members between the ages of 18 and 60 who are able to work must register for work. Some 16 and 17 year old household members may need to register. A single parent with a child(ren) under six does not have to register. You may be excused for other reasons that your county worker can explain. Once you are registered for work you must follow food stamp work rules or your food stamps can be stopped. Work rules include keeping appointments, taking an acceptable job, not changing the hours you work to less than 30 per week, not quitting a job, and participating in an employment or training assignment we send you to.
- **Work Requirement for Able-Bodied Adults:** There is a work rule which you may need to meet if you are an able-bodied adult without minor children. If you are under age 18 or over age 50 or pregnant, you do not have to meet the work rule. You may be excused for other reasons that your county worker can explain. The work rule says that if you are an able-bodied adult, you must work at least 20 hours a week in paid employment, participate (take part) in a workfare project for the required number of hours, or participate in an approved training activity for at least 20 hours per week. During a period of 36 months, food stamps will stop if there are three months in which you do not meet the work rule, unless you are excused. If food stamps stop because you did not meet the work rule, you can get food stamps again after you have worked or participated in a workfare or training assignment, or if you get excused from the work rule. If you stop meeting the work rule a second time in the 36-month period you may be able to get food stamps for three months in a row without meeting the rule in some cases. After that you can only get food stamps if you meet the work rule or get excused.
- **Monthly Report:** Most households getting food stamps must send in a report to the county each month. This report is called the "Monthly Eligibility Report" (CW 7) or "Monthly Eligibility/Status Report" (SAWS 7). It must be all filled in and turned in on time or your food stamps could be lowered or stopped. If your household does not have to turn in a CW 7 or SAWS 7, you still have to report within 10 days any changes in your situation or any change of \$25.00 or more in income. These changes can be reported by either calling or writing to your worker or by completing a Food Stamp Household Change Report (DFA 377.5). If all of these changes are not reported, your food stamps can be stopped. The county will tell you how you must report.
- **College, Business or Vocational Students:** Only students who are working, OR are in an employment and training program, OR are disabled, OR are parents of young children, OR are getting cash aid, OR are over the age of 50, can get food stamps. If enrolled in a business or vocational school, check with your worker.

- **Amount of Food Stamps:** Federal law sets a limit on the amount of food stamps a household can get each month. This amount depends on the size of your household. If your household has income, the amount of that income left after giving certain deductions will be used to figure out the amount of food stamps you can get. A household cannot get food stamps if it has income that is more than the limit set for its size. If you ever get too many food stamps, you may have to pay back the extra amount that you should not have gotten. This is called an "overissuance." Overissuances have to be paid back, even if it wasn't your fault that it happened. In most cases, you will have some food stamps taken away each month until the overissuance is all paid back. The county will tell you if you have an overissuance and how it can be repaid.

There are other rules which your worker will tell you about. If you do not understand a rule, ask your worker to explain it to you. It is important that you understand all of the rules so that you can get all of the food stamps your household should be getting.

### HOW DO I GET THE FOOD STAMPS?

Some counties mail the food stamp coupon books to you. Other counties will send you a "plastic issuance card" or an "authorization form" to be used with an identification card to get the food stamp coupon books from an issuance outlet. Your worker will tell you which method is used and how you will be able to get your food stamp coupon books. If your authorization form or food stamp coupon books are lost, stolen or destroyed, call your worker right away. You may be able to get them replaced.

### HOW DO I USE THE FOOD STAMPS AFTER I GET THEM?

Sign the food stamp coupon books when you get them. This will make it easier to trace if they are lost and turned in. Keep the food stamps in the books until you are ready to pay for your food. Stores will not take \$5 or \$10 food stamps if they are not together with the food stamp coupon book that has the same serial number that is on the food stamps. Stores will take loose \$1 food stamps.

You can use food stamps to buy almost all foods, even seeds or plants to grow your own food. Sales tax will not be added to the price of any item you buy with food stamps.

You cannot use food stamps to buy alcohol or tobacco products, pet food, some already cooked food, or non-food items (like toothpaste, soap, or paper towels).

### HOW DO I GET FOOD STAMPS WHEN I AM DENIED OR NO LONGER GETTING CASH AID?

If you applied for both cash aid and food stamps but are denied cash aid, you do not have to complete a new application to apply for food stamps. Your initial application will still be processed. When you stop getting cash aid, you may still be able to get food stamps. Check with your worker.



## IMPORTANT FACTS FOR FOOD STAMP APPLICANTS

These pages give you important information, including your rights and responsibilities. If you need more information or have questions, ask your worker. The County needs facts about you and your household to see if you are eligible for Food Stamp benefits and to figure how much you will get if you are eligible.

### IF YOU HAVE A DISABILITY AND NEED HELP APPLYING FOR OR CONTINUING TO RECEIVE CASH AID, FOOD STAMP BENEFITS, AND SERVICES, TELL THE COUNTY.

The law says that all applicants/recipients for aid, benefits, or services are to be treated fairly without regard to race, color, national origin, political beliefs, religion, gender, age or disability.

If you think you have been discriminated against, you may file a complaint by:

1. contacting your county's civil rights coordinator; or
2. writing to:
  - California Department of Social Services  
Civil Rights Bureau  
744 P Street MS 15-70,  
P.O. Box 944243, Sacramento, CA 94244-2430
  - or if you get Food Stamps **only** write to:  
U.S. Department of Agriculture,  
Food and Consumer Service, Civil Rights Office,  
550 Kearny Street, San Francisco, CA 94108-2518

You may also file by calling (916) 654-2107 or for the hearing or speech impaired 1-916-654-2098 (TDD).

## YOUR RIGHTS

- To ask for help to complete your application or any other food stamp form.
- To ask for forms and notices to be translated if you don't read English.
- To be treated with courtesy, consideration and respect.
- To be interviewed promptly by the county when you apply and to have your eligibility determined within 30 days.
- To have the face to face interview waived if you have a hardship.
- To discuss your case with the county and to review your case yourself when you request to do so.
- To be told the rules for getting food stamps right away. If we think you might be eligible, you will get an interview immediately and stamps within three days.
- To ask to have your Food Stamp I.D., authorization document, or issuance card, or food stamps replaced if lost in the mail, damaged, stolen or destroyed. The county will tell you if you are eligible.
- To be given a written notice when your application is approved, denied, or when your benefits change or stop.

- To have your records kept confidential by the county and state, unless there is an outstanding felony arrest warrant issued for you, or as otherwise provided by law.
- To file a complaint or to ask for a state hearing within 90 days of any action if you think the action was wrong. You can write to your County Welfare Department or call toll free 1-800-952-5253 or for the hearing or speech impaired (TDD) 1-800-952-8349.
- To be represented at a state hearing by yourself or by a household member, friend, attorney, or other person of your choice. NOTE: You may get free legal help at your local legal aid office or welfare rights group.

## YOUR RESPONSIBILITIES

### FINGERPRINT/PHOTO IMAGING

All eligible adult household members must be fingerprint/photo imaged. If anyone who is required to cooperate with these rules does not get fingerprint/photo imaged, no benefits will be issued to the entire food stamp household.

The fingerprint/photo images are confidential and can only be used to prevent or prosecute welfare fraud.

#### Citizenship/Immigration Status

You must sign under penalty of perjury that each member applying for food stamps is a U.S. citizen or U.S. national. If you are a noncitizen, you will be expected to provide acceptable verification of your status. Information you give us on immigration status will be checked with the U.S. Immigration and Naturalization Service (INS). Information we get from INS may affect your eligibility for food stamps.

#### Social Security Number

You must give us the Social Security Number (SSN) for each household member for food stamps. Anyone who refuses to give either a SSN or proof of application for a SSN will be disqualified from getting benefits. (Providing a SSN is required for all applicants by Section 1137 of the Social Security Act: 7 U.S. Code Section 2025e).

The SSN(s) will be used in a computer match to check income and resources with records from tax, welfare, employment, the Social Security Administration and other agencies. SSN(s) will also be matched with law enforcement agencies. Differences may be checked out with employers, banks or others. Making false statements or failing to report all facts or situations which affect eligibility for food stamps may result in discontinuance and/or repayment of benefits and/or criminal or civil action.

#### Verification(s)

You must give verification (proof) or more facts when we ask. If you can't get proof, give the name of some other person or agency we may contact to get it. When you can't get the proof you need, we will help you get it.

#### Cooperation

You must cooperate with County, State and Federal staff. You may not get benefits or your benefits may be stopped if you don't cooperate.

## YOUR REPORTING RESPONSIBILITIES

**You must report all changes to the County. If you're not sure how to report changes, what changes to report, or what proof we need, ask your worker. Your worker will tell you if you are a monthly or nonmonthly reporting household.**

### MONTHLY REPORTING

#### How You Must Report

You must turn in a complete Monthly Eligibility Report by the 5th day of each month.

#### Monthly Reporting Requirements

##### YOU MUST REPORT IF:

- Anyone gets money from work, relatives, Social Security, Veterans benefits, tax refunds, or any other source.
- Anyone gets free rent or utilities.
- Anyone's job or training program changes.
- Anyone's income or source of income changes, starts or stops.
- Any child or any adult starts or stops school, college or training.
- You move in with someone else or anyone moves into or out of your home, including newborns, other children, spouses, absent parents, other relatives and non-relatives.
- Anyone moves to another address, plans to move, or gets a new mailing address. If you move to another county and you want to keep getting benefits, you must tell the county giving you aid and/or benefits AND ask for food stamps again in the new county.
- Anyone gets payments or allowances for job, training or school expenses, such as educational grants and loans, transportation to and from job or training, etc.
- Anyone is self-employed.
- Anyone has job, training or school costs, such as dependent care, transportation, tuition, books, etc.
- Anyone has expenses that are paid for in total or in part by someone else, such as housing, utilities, medical, dependent care, etc.
- Any change in the order for court ordered child support paid by a household member for a child not living in the home.
- Anyone gets, sells, gives away, or transfers real property, such as a house, buildings or land; or personal property, such as money, a bank account, a motor vehicle, a boat, a trust fund, etc.
- Anyone's citizenship/immigration status or documentation changes, or they get a letter, form, or new card from INS.
- Anyone reaches 60 years of age.
- Any member of your household is avoiding or running from the law to avoid a felony prosecution, custody or confinement after conviction, or in violation of probation or parole.
- Any member of your household has committed and been convicted of a drug-related felony for possession, use, or distribution of a controlled substance(s) that took place after August 22, 1996.

##### YOU MAY REPORT IF:

- Any household member, who is disabled or age 60 or over, has changes in medical expenses or any new medical expenses.
- Any household member begins to pay court ordered child support for a child not living in the home.

### NONMONTHLY REPORTING

#### How You Must Report

You must report all changes within 10 days:

- by mail, telephone or in person at the County Food Stamp office OR
- on a DFA 377.5, Food Stamp Household Change Report OR
- on a Monthly Eligibility Report if you get cash aid.

#### Nonmonthly Reporting Requirements

##### YOU MUST REPORT IF:

- Your total monthly income starts, stops, or changes by more than \$25.
- Anyone's source of income changes.
- You move in with someone else or anyone moves into or out of your home, including newborns, other children, spouses, other relatives or non-relatives.
- Anyone moves to another address, plans to move, or gets a new mailing address.
- The total of your household's stocks, bonds, or other money is more than \$2000 (or \$3000 if you have a household member who is age 60 or over).
- If there is a change in the order of any court ordered child support paid by a member of the household for a child not living in the home.
- Any member of your household is avoiding or running from the law to avoid a felony prosecution, custody or confinement after conviction, or in violation of probation or parole.
- Any member of your household has committed and been convicted of a drug-related felony for possession, use, or distribution of a controlled substance(s) that took place after August 22, 1996.

##### YOU MAY REPORT IF:

- A household member is age 60 or older.
- Any household member, who is disabled or age 60 or over, has changes in medical expenses or any new medical expenses.
- Anyone in the household starts or stops a physical or mental illness.
- You have changes in your dependent care costs.
- Anyone's citizenship/immigration status or documentation changes, or they get a letter, form, or new card from INS.
- Any household member begins to pay court ordered child support for a child not living in the home.

#### Budgeting Rules--Monthly Reporting

The amount of food stamps you can get depends on your income and allowable expenses. What you report on the Monthly Eligibility Report will be used to figure the amount of food stamps you can get two months later. For example, your income and allowable expenses from January are used to figure the food stamp benefits you would get in March. This method is called retrospective budgeting.

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## Treatment of Self-Employment

If you are self-employed, you will have a choice of figuring your business expenses based on a standard deduction of 40 percent of gross income or using actual business expenses. Once you choose a method of figuring your self-employed net income, you can only change that way of figuring expenses at recertification or every six months whichever happens sooner.

### WORK AND TRAINING RULES

- **Register for Work:** Most household members between the ages of 18 and 60 who are able to work must register for work. Some 16 and 17 year old household members may need to register. A single parent with a child(ren) under six does not have to register. You may be excused for other reasons that your county worker can explain. Once you or a member of your household are registered for work, you must follow food stamp work rules or your application may be denied, or your food stamps can be stopped for at least one, three or six months depending on how often this has happened. Work rules include keeping appointments, taking an acceptable job, not changing the hours you work to less than 30 hours per week, not quitting a job, and participating in an employment or training assignment we send you to.
- **Work requirement for Able-Bodied Adults:** There is a work rule which you may need to meet if you are an able-bodied adult without minor children. If you are under age 18 or over age 50 or pregnant, you do not have to meet this work rule. You may be excused for other reasons that your county worker can explain. The work rule says that if you are an able-bodied adult, you must work at least 20 hours a week in paid employment, participate (take part) in a workfare project for the required number of hours, or participate in an approved training activity for at least 20 hours per week. During a period of 36 months, food stamps will stop if there are three months in which you do not meet the work rule, unless you are excused. If food stamps stop because you did not meet the work rule, you can get food stamps again after you have worked or participated in a workfare or training assignment, or if you get

excused from the work rule. If you stop meeting the work rule a second time in the 36-month period you may be able to get food stamps for three months in a row without meeting the rule in some cases. After that you can only get food stamps if you meet the work rule or get excused.

### STANDARD UTILITY ALLOWANCE (SUA)

If you are billed for heating and/or cooling costs that are not included in your rent or mortgage payment, you may be eligible for the Standard Utility Allowance (SUA). The SUA is one deduction for all of your eligible utility costs. If your utility bills are more than the SUA, you may switch between actual and the SUA at recertification. If you have other utility costs but your heating or cooling costs are included in your rent, your benefits will be figured on your actual utility costs. Ask the County to check your facts to see if you are eligible for the SUA.

## DISQUALIFICATION PENALTIES

Failing to follow the rules listed can result in a finding of a Food Stamp Intentional Program Violation (IPV). The penalties for an IPV are **disqualification** as listed below **AND** can be **fines up to \$250,000 and/or jail/prison for up to 20 years**. Disqualification means not being able to get food stamps for a period of time. When you are disqualified, the penalties stop your benefits for:

- **12 months for the first violation**
- **24 months for the second violation, and**
- **forever for the third violation.**

These penalties start after a state hearing or court of law finds that an individual committed an IPV.

In addition there are **separate penalties** for other things you should not do. They are:

- **If you are found guilty in any court of law of trading food coupons for controlled substances, food stamps can be stopped for 24 months for the first violation and forever for the second violation.**
- **If you are found guilty in any court of law of trading food stamps coupons for firearms, ammunition or explosives, food stamps can be stopped forever for the first violation.**
- **If you sell or trade food stamps worth \$500 or more food stamps can be stopped forever.**
- **If you file more than one application at the same time and give false identification or residence information, food stamps can be stopped for ten years.**

Also, anyone who is accused of committing an IPV may agree to be disqualified by signing either a Disqualification Consent Agreement or an Administrative Disqualification Hearing Waiver. Anyone who signs one of these documents accepts responsibility to repay any overissuance.

## PENALTY WARNING

If you don't report all facts or give wrong facts to get or keep getting benefits, you can be legally prosecuted with penalties of a fine and/or imprisonment. You may be found to have committed a felony if more than \$400 is wrongly paid out in food stamp benefits because you didn't report all of your facts or changes in income, property or family status.

If your household receives food stamps, you must follow these rules:

- Don't give wrong or incomplete facts to get or keep getting food stamps.
- Don't trade or sell food stamps, Food Stamp Authorization Documents (ADs), or issuance cards.
- Don't alter ADs or issuance cards to get food stamps you are not entitled to get.
- Don't use food stamps to buy ineligible items such as alcoholic drinks or tobacco, paper or cleaning products.
- Don't use someone else's food stamps, ADs or issuance cards for your household.

## CERTIFICATION

I certify that I have received a copy of the "Important Facts for Food Stamp Applicants" (DFA 285-A3). I understand my rights and responsibilities. I agree to comply with my responsibilities. I also understand the penalties for giving wrong or incomplete facts and failing to report facts or situations which may affect my eligibility or benefit level for food stamp benefits.

SIGNATURE (ADULT HOUSEHOLD MEMBER OR AUTHORIZED REPRESENTATIVE):

DATE:

WITNESS, IF YOU SIGNED WITH AN "X"

DATE:

I certify that I have informed the applicant/recipient of the above responsibilities and of the possibilities of criminal penalties for intentionally making false statements or failing to report information which affects food stamp eligibility.

SIGNATURE OF INTERVIEWING WORKER

DATE APPLICATION REVIEWED WITH CLIENT OR AUTHORIZED REPRESENTATIVE:

# NOTICE OF DENIAL OR PENDING STATUS

COUNTY OF \_\_\_\_\_

STATE OF CALIFORNIA  
HEALTH AND HUMAN SERVICES AGENCY  
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

Notice Date : \_\_\_\_\_  
Case Name : \_\_\_\_\_  
Number : \_\_\_\_\_  
Worker Name : \_\_\_\_\_  
Number : \_\_\_\_\_  
Telephone : \_\_\_\_\_  
Address : \_\_\_\_\_  
\_\_\_\_\_

(ADDRESSEE)

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Questions? Ask your Worker.

**State Hearing:** If you think this action is wrong, you can ask for a hearing. The back of this page tells how. Your benefits may not be changed if you ask for a hearing before this action takes place.

## DENIAL:

- ☐ Your household's application for Food Stamps has been/will be **denied** because:
- ☐ If you do the following by \_\_\_\_\_, your application will be reopened.

If you don't do this by this date you will have to reapply if you want to get food stamps.

- ☐ We asked you for the following information when you applied for food stamps. You did not give us the information within ten (10) days of the day it was requested. You must give us the information by \_\_\_\_\_ (30 days after date of application) or your application will be denied and you will not get another notice.
- ☐ Your household cannot get food stamps until \_\_\_\_\_ because of the reason your application was denied. You may reapply then.
- ☐ If you get cash aid, you may be able to get food stamps. If you do not get a Food Stamp notice within 15 days after your cash aid is approved, contact your cash aid worker about food stamps.

## BACK BENEFITS:

- ☐ Your application/request for back food stamp benefits dated \_\_\_\_\_ was denied because:
- ☐ Your application/request for back Food Stamp benefits dated \_\_\_\_\_ was denied because it was filed in the wrong county. You must ask for those benefits from the county where you were denied or received benefits.

**Rules:** These rules apply. You may review them at your welfare office.

## PENDING STATUS:

- ☐ Your application is pending.
- ☐ You have done what you need to do. We are still working on your case and you will hear from us soon.
- ☐ We asked you for the following information when you applied for food stamps. You did not give us the information within ten (10) days of the day it was requested. You must give us the information by \_\_\_\_\_ or your application will be denied and you will not get another notice. If you still want food stamps, you will have to reapply.

If you give us the things listed here by the date above, your application will be reopened.